

**Self-Inflicted Wounds**

**The 2013 Government Shutdown And The Internal Divisions Of Congressional Republicans**

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**Abstract:**

The aim of this thesis is to look into the 2013 government shutdown in the United States of America, which lasted from October 1 to October 16, with the purpose of studying the internal divisions that were created or made visible within the Congressional manifestation of the Republican Party. The main sources for the thesis are a pair of shutdown-inducing letters from Mark Meadows and Mike Lee to Congressional leaders, the final tallies of the votes that ended the shutdown, as well as media sources. The initial shutdown-related division was made apparent in the summer of 2013 between the 14 Senators and 80 Representatives supporting through the Meadows and Lee letters a "defunding strategy", which ultimately led to the shutdown, and the 32 Senators and 152 Representatives who opposed using said strategy to combat President Obama's healthcare reform. The final division was between the 18 Senators and 144 Representatives who opposed the final compromise that ended the shutdown and the 27 Senators and 87 Representatives who voted in favor of reopening the government. Republicans who did not sign one of the letters and who voted for the final compromise were more likely to have experience of previous government shutdowns; more likely to have seniority over their colleagues; more likely to be ideologically moderate; less likely to be affiliated with the Tea Party; and more likely to hail from competitive districts or states, while the opposite is true for the Republicans who had signed one of the letters and who opposed the final compromise. While Congressional leaders like John Boehner and Mitch McConnell were largely successful in navigating the crisis, it was the leading defunder Ted Cruz in particular who benefited from the national attention that resulted from the shutdown. While the Tea Party movement was a necessary precondition for elevating politicians such as Cruz, the shutdown crisis should not be understood as an event caused by the Tea Party alone.

**Keywords:** U.S. Congress, government shutdown, Republican party, Tea Party, Obamacare, Ted Cruz, John Boehner, Mitch McConnell, Mark Meadows, Mike Lee, The New York Times, The Wall Street Journal.

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## 1. Introduction

At the stroke of midnight, as October of 2013 began, so too started the first government shutdown for seventeen years in the United States of America. Approximately 850,000 non-essential federal workers were furloughed without pay, and another 1,3 million had to report to work without knowing when they would be paid. All around the country offices were closed and activities ceased. National park entrances were padlocked, food safety inspections were halted and civil litigation in the courts was put on hold. Severe economic damage started accruing as all but the most crucial of government services grinded to a halt.<sup>1</sup>

Partisan politics were the root cause of this sixteen-day-long crisis. Three and a half years had passed since the Democratic President Barack Obama had signed his healthcare reform, the Patient Protection and Affordable Care Act – or Obamacare<sup>2</sup> – into law, but all that time had done nothing to mollify Republican opposition to the law, especially within the party's ultra-conservative Tea Party wing. As the fiscal year of 2013 drew to a close at the end of September, Congressional Republicans moved to use the budget-setting power of the Republican-controlled House of Representatives to deprive Obamacare of funding. The aim of this maneuver was to delay by a year the implementation of the law, which otherwise was to finally begin on October the first. The Democrat-controlled Senate, however, voted for a version of this appropriations continuing resolution bill that did not include language defunding Obamacare. With the two houses of Congress so deadlocked, and with no will to compromise on either side, the government shutdown began on October the first.<sup>3</sup>

The government shutdown crisis was exacerbated by and intertwined with a continuation of another crisis that had to do with the nation's debt ceiling. The debt ceiling, which is a legislative cap on the amount of debt that can be issued by the Treasury, had usually been raised by Congress almost as a matter of routine. Recent years, however, and the summer of 2011 especially, had seen Democrats

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- 1 The New York Times (NYT) 1.10.2013, On Day 1, Parks Close, Workers Stay Home and 'Panda Cam' Goes Dark; The Washington Post 30.9.2013, Absolutely everything you need to know about how the government shutdown will work; Office of Management and Budget 2013, 13.
  - 2 Following a long political tradition of derisive renaming, the Republican opponents of the law started calling it "Obamacare" long before it was even passed. The name was eventually co-opted and embraced by Obama and other Democrats and has thus mostly lost its pejorative nature. In the interest of brevity and without bias the colloquial term Obamacare is therefore mostly used in this thesis.
  - 3 The Wall Street Journal (WSJ) 28.9.2013, GOP Hunts for Budget Plan – As Shutdown Deadline Nears, Senate Strips Health-Law Defunding Pushed by House Conservatives; NYT 30.9.2013, The Battle in Congress On Spending and Debt.

and Republicans increasingly at loggerheads over raising the limit. The hard-fought compromise of 2011 had set the debt ceiling at 16,394 trillion Dollars, a level that was reached in January of 2013.<sup>4</sup>

Careful political maneuvering postponed the crisis for a few months, but by May the Treasury had to once again deploy what is known as "extraordinary measures" to prevent the country from defaulting on its debts. On September 25, just as the nation was preparing itself for the possibility of a government shutdown, the Treasury announced that unless the ceiling were raised, the extraordinary measures would be exhausted by October 17. To follow after that would be the first ever default of the United States of America, the shockwaves of which could, according to the Treasury, trigger a global financial crisis on the scale of the 2008 crisis or worse. With the funding of the government and the raising of the debt ceiling so entwined, by time and politicians' discourse both, the stakes were high indeed during the shutdown.<sup>5</sup>

Public opinion turned sour very quickly at the face of such political and economic brinkmanship. Polls taken during the shutdown saw Americans' approval of Congress plummet from an already low level. A Gallup poll measured a drop of eight percentage points in one month from 19% to 11% – only one percentage point higher than the all-time low<sup>6</sup>. Another poll, by Public Policy Polling, found an even worse approval of 8% for the Congress, all the while reporting, somewhat gleefully, the results that "Americans like Witches, the IRS, and even Hemorrhoids better than Congress"<sup>7</sup>.

What is especially noteworthy, however, is that the shutdown hurt the Republican brand much more than that of the Democrats. A poll by Gallup released on October 9 found that the approval rating of the Republican party had fallen ten percentage points in one month to an all-time low of 28%, while the Democrats suffered a drop of four percentage points<sup>8</sup>. Poll after poll produced similar results, both during and after the shutdown. For example, a CNN/ORC poll conducted after the shutdown found 75% of respondents saying that most Republican members of Congress do not deserve to get re-elected, while a Washington Post/ABC News poll found that 53% of Americans blame Congressional Republicans for the shutdown, with only 29% blaming President Obama<sup>9</sup>.

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4 Austin & Levit 2013, 1,9.

5 Austin & Levit 2013, 1–7;  
U.S Department of the Treasury 2013, 1-6.

6 Gallup poll 7.10.2013, Congress' Job Approval Falls to 11% Amid Gov't Shutdown.

7 PPP poll 8.10.2013, Congress losing out to Zombies, Wall Street, and...Hipsters.

8 Gallup poll 9.10.2013, Republican Party Favorability Sinks to Record Low.

9 The Washington Post 22.10.2013, Democrats lead the generic ballot by 8. That's not enough to win the majority.

Moreover, the disastrous outcome of the government shutdown crisis for the Republican brand was not exactly hard to predict. In fact, many Congressional Republicans did foresee the damage. Many of them were already working at the hill during the last, equally calamitous shutdown. Many of these Congressional Republicans spoke out against the shutdown strategy before it was adopted. Yet these voices were overruled by other, louder forces within the party.

How did this happen? Why did the more aggressive voices prevail? Was the Democratic Minority Leader Nancy Pelosi right when she dubbed the crisis a "Tea Party shutdown of government"<sup>10</sup> or were there other forces at work? Answering these questions will tell us much about the modern Republican party and the voter coalition that produced its Congressional manifestation.

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<sup>10</sup> NYT 1.10.2013, Pelosi Derides 'Tea Party Shutdown'.

## 1.1. Questions, sources and prior research

The following are then the main questions to which answers are sought in this thesis. What kinds of internal divisions or factions within the Republican party were created or made visible by and during the government shutdown of 2013? What factors can be used to explain the emergence or existence of these specific divisions? How did the shutdown influence the balance of power between these factions? Who were the winners and who were the losers?

When looking at the factors that can be used to explain the emergence of these factions, the following additional questions are posed. Did the factions differ by the seniority of their members or by experience of previous shutdowns? What about ideology or Tea Party affiliation? What about other differences in the makeup of the Representatives' districts such as the degree to which the voters lean towards the Republican party? Finally, was the shutdown a device for advancing the personal political aspirations of some of the more visible Congressional Republicans or was it all about the party itself?

The main focus of the thesis is the sixteen days of the shutdown itself, from October the first to the sixteenth, and the divisions that were created or made visible during that period. Understanding these divisions and their manifestations, however, requires looking to the past: to the politics of the Obama-era, to past elections – especially the Republican wave of 2010 – and even to past government shutdowns all the way to 1976. The goal of this thesis is therefore not only to gain understanding of the state of the Republican coalition in 2013, but also to place it within the larger historical context of the coalition's continuing evolution.

Internal tensions within a political party can be a difficult subject to study, since politicians often have incentives to keep them hidden. Drawn-out government shutdowns like the one in 2013 make things easier, however, for two reasons. Firstly, the high stakes and tension may produce cracks in the politicians' message discipline. Secondly, once a shutdown has begun, it forces politicians to pick sides: in 2013 all Congressional Republicans<sup>11</sup> had to vote either for or against ending the politically damaging sixteen-day-long shutdown.

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<sup>11</sup> All except Oklahoma Senator James Inhofe, who got a pass on the vote due to some emergency heart surgery (Reuters 8.10.2013, Oklahoma Senator Inhofe recovering at home after heart surgery), and Florida Representative C.W. Bill Young who was ill and died two days after the shutdown ended (NYT 18.10.2013, C.W. Bill Young, Longtime Florida Congressman, Dies at 82).

This is reflected in the two principal types of sources used in this thesis. On the one hand there are sources from the instances where the politicians had to take sides: most importantly the votes that ended the shutdown on October 16<sup>12</sup>, but also two letters sent to the Congressional leadership by Representative<sup>13</sup> Mark Meadows and Senator Mike Lee in the late summer of 2013<sup>14</sup>. The letters urged the leadership to link defunding or delaying Obamacare to funding the government, and heavy pressure was put on all Congressional Republicans to sign the letters by the proponents of the plan as well as various outside groups. Refusal to sign the letters in the face of such efforts will point to more moderate Republicans, while comparing the signatures in the letters to the vote tally for the bill to reopen government will help to distinguish the true hardliners from those who cracked under shutdown pressure.

These votes and letters alone are not enough, however. There were also important instances where individual Republicans *chose* to take stances on the defunding strategy as well as the internal dynamics of their Congressional caucus. These messages were directed to the media, and so media sources are needed too. It is of course impossible to include the whole scope of the American media landscape. In order to get a good overall picture of the Congressional Republican voices in the court of public opinion and to ensure that no major developments are missed, the internet versions of two major newspapers are used in this thesis and checked for shutdown-related articles in the latter half of 2013. Other newspaper and media sources are used where relevant, but these primary newspaper sources constitute the media coverage "safety net" for the thesis. The newspapers in question are The Wall Street Journal and The New York Times.

There are several reasons for this choice. In terms of daily circulation they were the largest and the second largest American newspaper in 2013 respectively<sup>15</sup>. They, and especially The New York Times, also benefit from what is known as the prestige effect: other media actors follow their lead and imitate their choices in stories, contexts and analyses<sup>16</sup>. Both newspapers have also exerted significant influence in previous negotiations between the Obama administration and Congressional Republicans: in the 2011 fiscal crisis, for example, both newspapers managed to change the course of the negotiations by reporting on developments of secret and delicate negotiations between

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12 Senate Roll Call Vote number 219, 16.10.2013;

House of Representatives Roll Call Vote number 550, 16.10.2013.

13 Unless otherwise noted, all the Congressional politicians named in this thesis are members of the Republican party.

14 Letter from Representative Meadows to Speaker Boehner and House Majority Leader Eric Cantor, 21.8.2013;

Letter from Senator Lee to Senate Majority Leader Reid, 25.7.2013.

15 Alliance for Audited Media 2013.

16 Graber 2009, 39.

President Obama and Speaker Boehner<sup>17</sup>.

Furthermore, while they are both considered to be relatively neutral in political stance, there is a slight difference with The New York Times perceived to offer a more liberal point of view<sup>18</sup>, while The Wall Street Journal is perceived to represent a slightly more conservative view. This is true especially of The Wall Street Journal editorial pages, where critical opinions of Obamacare are very common – and read with great care by Congressional Republicans.<sup>19</sup> During the shutdown the editorial team also often directed its ire to those Republicans who attacked said law using the defunding strategy<sup>20</sup>. The use of both these newspapers thus provides a balanced view and makes sure no single point of view dominates.

The purpose of using newspaper sources is to survey instances of Republican participation in public debate through the media – as opposed to establishing what happened during the shutdown, which is not the goal for the use of newspaper sources in this thesis. Still, a methodological problem common to studying recent events presents itself: there is currently a dearth of usable primary sources for accurately describing the events of the 2013 shutdown in detail. More sources might become available in the future, thus making it possible to describe exhaustively the minutia of the shutdown itself. In the meanwhile, newspaper sources point to and reflect actual events, but should not be thought as a suitable means of writing event history. This methodological distinction should be kept in mind, as should its corollary: the purpose of this thesis is not to exhaustively explain what happened during the 2013 government shutdown, but rather to establish how the Republican reactions to the events reveal aspects of the internal divisions within the party – hence the use of newspaper sources.

There is a clear need for more research on the current state of the Republican Congressional coalition, as well as the phenomenon of the government shutdowns itself. The dramatic rise of the Tea Party movement has thankfully produced much research, but not enough of that research has focused on the Congressional manifestation of the movement – perhaps because finding out exactly which politicians represent the movement is so difficult. Theda Skocpol and Vanessa Williamson

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17 Woodward 2012, 166–167,179–180,184.

18 The New York Times 23.7.2016, Why Readers See The Times as Liberal. (Note: for the convenience of the reader, the unabbreviated names of The New York Times and The Wall Street Journal are used in the footnotes when the articles in question are dated before or after the principal period of interest for the shutdown, ie. the latter half of the year 2013.)

19 Woodward 2012, 179.

20 For example: WSJ 2.10.2013, A GOP Shutdown Strategy.

have produced a good overview of the movement<sup>21</sup>, while Jill Lepore has written an illuminating account of the Tea Party's understanding of history<sup>22</sup>. Meanwhile Bryan Gervais and Irwin Morris have produced some rare examples of in-depth analysis on the Congressional manifestations of Tea Party enthusiasm<sup>23</sup>. But even more is needed. The modern Republican Congressional coalition cannot be understood by looking at the Tea Party alone. The Tea Party faction is just one part of the whole, and interconnected with many other radically different parts. A more holistic view of how the different and often competing factions influence each other's evolution and success is needed. This thesis aims to fulfill a small part of that need.

Research on government shutdowns is even more scarce, though hopefully the drama of the 2013 shutdown moves people into action in the near future. The Congressional Research Service has produced several reports of quality on the subject – and many of them are cited in this thesis – but what is especially needed, and what the CRS papers understandably de-emphasize, is research into the political game that leads to shutdowns and occurs during them. This has largely been the domain of journalists, and they have done a well enough job of it, but there is ample room for historians and political scientists too.

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21 Skocpol & Williamson 2012.

22 Lepore 2011.

23 Gervais & Morris 2014;  
Gervais & Morris 2015.

## **1.2. The historical and political context of the 2013 government shutdown**

The 2013 government shutdown was the latest chapter in the decades-long history of American budget showdowns on the one hand, and in the even longer history of contested healthcare reform on the other hand. Furthermore, for the Republicans, it was a flashpoint in the constant internal struggle for direction that all political parties must endure. Before turning to the manifestations of this struggle in October of 2013, three aspects of the shutdown's historical and political contest must be examined in more detail.

Firstly, there is Obamacare itself as the spark for the conservatives' anger; secondly, the Tea Party movement that harnessed that anger and took an active lead in promoting the strategy of defunding Obamacare; and thirdly, the political phenomenon of the government shutdown itself, which in the plans of the defunders was to be the leverage for forcing concessions out of the Democrats.

### 1.2.1. Obamacare

*"This is a big fucking deal."*

Vice President Joseph Biden to President Obama, unaware that the microphone in front of them at the Patient Protection and Affordable Care Act signing ceremony was on.<sup>24</sup>

President Barack Obama came into office in 2009 following a campaign promising transformational change for America. Despite the immediate concerns of dealing with an unfolding financial crisis, the Obama administration was determined to make good on that promise and set about deciding on which front to use its newfound political capital. The one that was chosen was among the most hotly contested in American politics – healthcare. Aside from the various vested interests in the healthcare industry itself, any reform of healthcare was also almost certainly going to provoke an especially vehement response from the Republicans.

The reason why healthcare had become such a dangerous political issue has to do with the enormous scope of its problems: compared to most other Western countries American healthcare is both extremely expensive and very inefficient. The healthcare industry employs a sixth of the American workforce, with a cost of three trillion dollars in 2014, which is more than the combined healthcare costs of the ten next biggest spenders in the world. Yet much of that money is wasted. Americans pay fifty percent more for prescription drugs than other Westerners because there are no price controls for such drugs. Hospitals and doctors are paid for the amount of services they perform rather than their results, which gives them an incentive to order excessive testing. In 2008 alone, 750 billion dollars, or the equivalent of that year's defense budget, were wasted on excessive healthcare spending, according to Peter Orszag, who at the time was running the nonpartisan Congressional Budget Office. Besides the rampant costs, coverage was also a problem. By 2007 there were forty-five million Americans without any health-insurance and the number was rising every year.<sup>25</sup>

By the time Obama was elected President, the history of hotly-contested debates about healthcare

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24 Woodward 2012, 46.

25 Brill 2015, loc 81,92,131,410,954–964. (Chapters 1,2 and 4) An e-book version of *America's Bitter Pill* was accessed for this thesis. As the settings such as font size of an individual e-reader device can influence on what page any given portion of the text appears, location numbering is used instead of page numbers when referring to *America's Bitter Pill*. Location numbering works just like conventional page numbers, but since the amount of location numbers in a book is much higher than that of page numbers, the references will always point to the right place. For the convenience of readers following along a paper version of *America's Bitter Pill*, all the references to the book in this thesis will also note the chapter in which the referred text is situated.

and health insurance reform ran back almost a hundred years. Starting with Theodore Roosevelt's calls for healthcare for industry in 1912 and the Progressives' calls in 1915 for compulsory healthcare, most reform efforts failed at the face of Congressional opposition. Franklin Delano Roosevelt failed to include national health insurance in his New Deal reforms in the 1930's, while Harry Truman was similarly unsuccessful in the 1940's. Lyndon B. Johnson became the first President to enact a large-scale reform with his Great Society bills in the early 1960's. The two major parts of the American healthcare system established by Johnson, Medicare and Medicaid – a state sponsored health insurance scheme for the elderly and a medical services program for low income citizens respectively – became fixed points in the political terrain on which the future political battles about further reform were fought. Among the notable – and unsuccessful – attempts were the abortive reforms by Presidents Richard Nixon, Jimmy Carter and Bill Clinton, as well as various efforts by the Democratic Massachusetts Senator Ted Kennedy.<sup>26</sup>

The stances of the two main parties on healthcare reform in the 21<sup>st</sup> century have tended to reflect their basic ideological tenets. The views of the Democrats have ranged from fervent support of a single payer system modeled after many other Western countries to more modest reform proposals tempered by the perceived political difficulty of achieving a single payer system in the United States<sup>27</sup>. The Republicans on the other hand have sought to push back on the deficit generating aspects of the current system, for example by turning the Medicare into a voucher system for buying private healthcare and operating Medicaid through block grants given to states – an approach championed by and associated with Representative Paul Ryan<sup>28</sup>.

In view of the ferocity of opposition that any reform of healthcare would be sure to incite, Obama and his team decided against the kind of more radical single payer overhaul favored by a large portion of the Democratic base and adopted instead an approach from their past and future opponents, which focused on extending the coverage of healthcare rather than cutting its costs. It was an approach first popularized in 1989 by Stuart Butler<sup>29</sup>, the director of the conservative think tank Heritage Foundation<sup>30</sup>. It contained ideas that had been unsuccessfully pursued by president Nixon before Watergate. A crucial part of it called individual mandate had been favored by Hillary

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26 Hoffman 2009, 1–8.

27 Brill 2015, loc 302–321. (Chapter 2)

28 Letter and analysis of the Rivlin-Ryan Plan from the Congressional Budget Office to Representative Paul Ryan.

29 Butler 1989, 6.

30 Butler himself has pushed back on the idea that the Heritage Foundation invented the individual mandate. What is certain, at the very least, is that Butler and the Foundation served to popularise and mainstream the idea. Butler explained his more recent views on the individual mandate's evolution and his own opposition to the idea in a 2012 USA Today column. (Butler in USA Today 6.2.2012, Don't blame Heritage for ObamaCare mandate.)

Clinton and opposed by Obama in their hard-fought primary battle. Moreover, and most famously, it had been tried before, once and successfully, in Massachusetts by Mitt Romney, Obama's eventual opponent in the 2012 presidential elections. Romneycare, as it was usually called, soon became the blueprint for Obama's healthcare reform.<sup>31</sup>

Romneycare had three central features, colloquially called "the three legs of the stool", that also became the core principles of Obamacare. Firstly, the insurers in the individual market are prohibited from excluding people with preexisting conditions from their insurance plans. Secondly, there is something called the individual mandate, which states that anybody who is not insured by an employer or covered by Medicare or Medicaid has to purchase insurance or face a fine for not complying. Thirdly, the people who cannot afford to purchase insurance receive federal subsidies for buying it. In most states Obamacare subsidies are paid for people earning less than four times the federal poverty level. This last leg is from an old plan proposed by President Nixon. Nixon's plan also included another crucial part for Romney's and Obama's reforms, which stated that, apart from the very smallest businesses, employers must keep offering insurance for their workers or face a penalty. This was a way of preserving much of the old American model of employer-provided insurance and limiting the amount of new subsidies that would have to be paid out.<sup>32</sup>

Getting Obamacare passed in Congress was not going to be easy, but it seemed that the Democrats had just enough seats to pull it off. They had a comfortable majority in the House of Representatives and with the help of the Independent Senator Bernie Sanders, who usually voted with the Democrats, exactly the sixty votes they needed to overcome the threat of a filibuster in the Senate. But there were no extra votes to spare.<sup>33</sup>

After long negotiations led by the Majority Leader Harry Reid, and many concessions awarded to individual Senators, the Senate Democrats passed their version of Obamacare on Christmas Eve of 2009 with exactly sixty votes. The two Republican Senators that had been courted by the Democrats, Olympia Snowe and Chuck Grassley, both decided against supporting the law. The Democrat-controlled House had passed its own, differing version of the law on November 7, and the only thing left was to go through a process called reconciliation where the differences in the two bills would be hammered out and both bodies would then vote on the final product.<sup>34</sup>

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31 Brill 2015, loc 489,508–545,751–765,1015. (Chapters 2,3 and 5)

32 Brill 2015, loc 547–566. (Chapter 2)

33 Brill 2015, loc 2105–2115. (Chapter 9)

34 Brill 2015, loc 2433,2788–2804,2827–2865,2899–2904. (Chapters 10 and 11)

The differences between the two bills were large though – and seemingly insurmountable. Not a single vote could be lost on the Senate side. The negotiations soon bogged down and tempers flared. Then, in what should have been an easy Democrat victory, the Republicans picked up the Massachusetts Senate seat of the recently deceased healthcare reformist Ted Kennedy. Partly because of unforced errors by the Democratic candidate and partly because of a groundswell of Tea Party enthusiasm, the seat went to a Republican state Senator called Scott Brown. For a moment it seemed like Obamacare would progress no further.<sup>35</sup>

In retrospect, however, Brown's Tea Party fuelled election turned out to be a blessing in disguise for the healthcare reform. It ended the bickering between House and Senate Democrats and turned their attention to one final way of passing the law. Under Senate rules a reconciliation bill whose changes are mostly deemed to be about financial matters can be approved by a simple majority rather than sixty votes. This meant that only a small portion of the House Democrats' grievances could be addressed, but it was a way out of what was quickly turning into a political disaster and the Democrats took it. The reconciled bill was passed on March 21 and President Obama signed the bill into law two days later.<sup>36</sup>

Having lost the fight against Obamacare in Congress, Republicans next turned to the courts to strike down the law. It took seven minutes after Obama signed the law into effect for the Attorneys General from thirteen states to sue the federal government over it<sup>37</sup>. The main arguments of these and many of the other suits to follow were that the individual mandate was unconstitutional and that the Congress had abused the power of the Constitution's Commerce clause. The torrent of lawsuits and conflicting rulings made the Supreme Court take notice and in November of 2011 it decided to take the case on.<sup>38</sup>

The Court came out with its ruling on the morning of June 28, 2012. The Justices of the Court were divided with five voting to uphold the individual mandate and four voting against it. The use of the Commerce Clause was likewise approved, on the grounds that even though Congress had for political reasons refrained from calling the penalty for uninsured people a tax, it was a tax and thus fell under the purview of the Commerce Clause. Obamacare did not escape entirely unscathed however. The Supreme Court upheld a provision of the law that expanded Medicaid eligibility, but

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35 Trende 2012, 120–121;

Brill 2015, loc 2975–3014. (Chapter 12)

36 Brill 2015, loc 3048–3129,3154. (Chapter 12)

37 USA Today 23.3.2010, 13 attorneys general sue over health care overhaul.

38 The Washington Post 14.11.2011, Supreme Court to hear challenge to Obama's health-care overhaul.

struck out its enforcement mechanism: the federal government could not threaten to withhold the Medicaid funds of states that would or could not comply with the new expansion. Republican Governors could now opt out of an important part of the law. Even still, the Supreme Court decision was a huge victory for the Obama administration.<sup>39</sup>

Obamacare was now undisputedly the law of the land. All that remained was for the administration to put up the new exchanges and implement the law. This implementation, however, would turn out to be a disaster. Furthermore, there was a new faction on the ascendancy within the ranks of the Republican party, and it was not one for giving up on Obamacare.

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<sup>39</sup> Musumeci 2012, 1–6.

### 1.2.2. The rise of the Tea Party movement

*"I have a message from the Tea Party, a message that is loud and clear and does not mince words. We've come to take our government back."*

Senator Rand Paul in his 2010 primary election victory speech.<sup>40</sup>

It began with an on-air speech on CNBC's morning news on February 19, 2009<sup>41</sup>. CNBC's business commentator Rick Santelli had had it with the economic policies of the one-month-old Obama administration, and reporting on the floor of the Chicago Mercantile Exchange he let it all out. "This is America! How many of you people want to pay for your neighbors' mortgage [...]" he bellowed to cheering commodities brokers. Encouraged by them and the studio commentators he went on, berating President Obama, his team and the administration's policies. The crucial sound bite came a few moments later: "We're thinking of having a Chicago Tea Party in July. All you capitalists that want to show up to Lake Michigan, I'm going to start organizing." Little did Santelli know that in just a few hours his rant would start off what many political scientists have dubbed the most important mass movement in American politics in the 21<sup>st</sup> century<sup>42, 43</sup>.

Santelli's rant became a rallying cry for Republican activists demoralized by Obama's victory. Within days local Tea Party groups had sprung up all around the country and the media coverage started accruing. Hundreds marched in protest in a dozen cities on February 27. By Tax Day in April, it was thousands, by September in Washington D.C., tens of thousands. Something big was happening, but who were these Tea Party activists and what did they want?<sup>44</sup>

Studies have shown that Tea Party activists are mostly older, white, middle-class men. A significant portion of them have had earlier experience with participation in politics. Most Tea Partiers identify themselves as conservative Republicans, though they are actually more conservative than other Republican voters.<sup>45</sup> The Tea Party counts within its ranks both socially conservative religious voters as well as a smaller subset of libertarian voters, but the radically different views of these two groups on social issues has, on the whole, been a source of remarkably little contention within the

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40 Paul 2011, xi.

41 CNBC video of Rick Santelli's rant, 19.2.2009.

42 Gervais & Morris 2014, 21.

43 Lepore 2011, 3.

44 Williamson, Skocpol & Coggin 2011, 26.

45 Skocpol & Williamson 2012, 23–29, 40–42.

movement<sup>46</sup>.

The Tea Party movement is very loosely organized with hundreds of small local groups of grassroots activists. While there are a few notable national organizations that claim to represent the movement such as Tea Party Express and Tea Party Patriots, as well as several other conservative actors that hold sway over parts of the movement through funding and ideology, like FreedomWorks, the Heritage Foundation and the Cato Institute, no one actor can truly claim to speak for the Tea Party. The closest thing to a universally recognized Tea Party voice has been Fox News, which by its reporting has helped to shape, sustain and strengthen the Tea Party movement.<sup>47</sup> The lack of official Tea Party leadership has also made it possible for billionaires such as the Koch brothers and many others to tap into the movement's popularity and to use it to prod the Republican party rightwards and to advocate ultra-free-market policies of their preference<sup>48</sup>.

Ideologically the Tea Party is usually understood to stand for small government, but the truth is more complex than that. The movement is not against *all* forms of government largesse, but rather against handouts to the undeserving. Most Tea Party activists see themselves as ordinary workers and they feel that, through their long years of hard work, they have earned their share of programs like Medicare. Tea Party activists tend to think it is those people who have not earned it, like young people and immigrants, that the government is unjustly rewarding.<sup>49</sup> There is in fact a strong undercurrent of generational angst over societal change in the Tea Party's angry rhetoric. Older Tea Party activists often see "the country of their youth" in decline, partly due to growing multiculturalism and changing societal norms. This "grey versus brown divide" does indeed have some explanatory power when it comes to understanding the Tea Party.<sup>50</sup>

The Tea Party's name – in itself a valuable political asset – must also be taken into account when assessing the movement's ideology. To many Tea Party activists their struggle against a government running rampant is akin to the struggle of those early patriots dumping tea into the Boston harbor. Many of the themes, figures and accomplishments of the American revolution form a core part of the Tea Party parlance: the liberties won during the Revolution and codified in the Constitution are threatened, the Founding Fathers would be rolling in their graves if they knew what was going on, and so on. Yet there is a case to be made that the Tea Party rhetoric goes beyond mere

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46 Skocpol & Williamson 2012, 34–40.

47 Williamson, Skocpol & Coggin 2011, 27–30.

48 Skocpol & Williamson 2012, 100–106.

49 Williamson, Skocpol & Coggin 2011, 32–34.

50 Skocpol & Williamson 2012, 74–76,204.

Revolutionary analogies. According to journalist and historian Jill Lepore much Tea Party thinking is not only historically incorrect, but is in fact antihistory, in which today's political struggles actually become a part of the Revolution and subject to the Founding Fathers' critical glare. Thus it is not just that the Founding Fathers would be livid over Obamacare if they were alive, but rather they are actively expressing their disapproval *right now*, breaking down the very barriers of time and death.<sup>51</sup>

The Tea Party movement finally cashed in on its support in the 2010 midterm elections. The scope of the Republican victory was enormous: the party won six seats in the Senate and sixty-three seats in the House of Representatives, where they also regained the majority. Both counts and especially the House of Representatives score – which was the best for the Republicans in 72 years – include Tea Party affiliated candidates. The Republican gains were especially large among suburbanite voters and working class whites, who abandoned the Democrats in droves. For a party whose imminent demise or at least a devolution into a regional party of southern whites had been foreseen by various doomsayers only two years earlier this was quite a rebound. The Tea Party was a major factor in this turnaround and its supporters knew it.<sup>52</sup>

The strong views of Tea Party candidates do not always turn out to be electoral boons for the Republicans, however. The 2010 Senate election in particular proves this. Capturing the Senate that year was always going to be a tall order for the Republicans as they would have needed to win ten new seats, but it was in theory doable. Tea Party backed candidates who had displaced more centrist candidates in the Republican primaries went to win Senate seats in places like Utah, Kentucky and Florida, but these were strong candidates despite their stark views. Elsewhere, successful Tea Party primary challenges produced candidates who were much too extreme and unabashed in their views for the general election<sup>53</sup>. Sharron Angle in Nevada<sup>54</sup>, Christine O'Donnel in Delaware<sup>55</sup> and Ken Buck in Colorado<sup>56</sup> all went to lose what should have been very easy Senate battles for the Republicans. Had more centrist Republican candidates prevailed in their place the control of the Senate would have been split 50-50. Vice President Biden's tie-breaking vote would have then resolved most votes in the Democrats' favor, but nevertheless it can be argued that despite all the

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51 Lepore 2011, 7–9.

52 Trende 2012, 123–124, 127–128;  
Sabato 2011, 16–20, 22–24.

53 Trende 2012, 135–137.

54 Raslston 2011, 315–323.

55 Hoff 2011, 209–215.

56 Masket 2011, 189–196, 200–206.

energy that the Tea Party brought into the 2010 elections, they also robbed the Republican party of an important, if symbolic, Senate victory.<sup>57</sup>

The Tea Party was also active in the 2012 presidential elections and especially in the Republican primaries where large parts of the movement strove to influence the direction of their party by choosing a sufficiently conservative candidate as the Republican standard bearer. Tea Party activists first fixated on one of their own, Representative Michele Bachmann of Minnesota, but when her fortunes faded, Tea Partiers switched their support to a series of other leading alternatives to the front runner Mitt Romney. First Bachmann, then Texas Governor Rick Perry, then Pizza mogul Herman Cain, then former Speaker of the House Newt Gingrich and finally former Pennsylvania Senator Rick Santorum all benefited from varying but always substantial Tea Party support, only to be ultimately defeated by Romney.<sup>58</sup>

As representatives of a loose and fundamentally anti-hierarchical mass movement, Tea Party affiliated politicians have an uneasy relationship with organizing in the Congress. The most notable institutional manifestation of Tea Party ideas is the House Tea Party Caucus, that was founded by Representative Michele Bachmann in July of 2010. A total of 52 members joined the first incarnation of the caucus in the 111<sup>th</sup> Congress. After the Republican wave of 2010, many, but not all, newly sworn-in Tea Partiers joined the caucus. It had 60 members at the height of its activity in the 112<sup>th</sup> Congress, but the 2012 elections whittled the number down to 50. The caucus became inactive after those elections<sup>59, 60</sup>.

Membership in the House Tea Party Caucus was a problematic measure of Tea Party affiliation even before its dormancy, since not all notable Tea Party backed politicians joined, and since Representatives could in theory also join it without having any real grass-roots support. For the 113<sup>th</sup> Congress, the best institutional measure of Tea Party activity in the House was the Liberty Caucus, a smaller, more ideologically "pure" caucus chaired by Representative Justin Amash of Michigan.<sup>61</sup>

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57 Skocpol & Williamson 2012, 163–167.

58 Klemetti 2012, 2,12;

RealClearPolitics polling averages page for the 2012 Republican Presidential Nomination.

59 Roll Call 26.2.2015, New Tea Party Caucus Chairman: DHS Fight Could Break the GOP.

60 Bloomberg 8.11.2012, Tea Party Freshmen to Become Sophomores by Keeping House Seats;  
CNN 29.7.2011, Who is the Tea Party Caucus in the House?

61 Gervais & Morris 2015, 7–8.

The Senate, meanwhile, has a small and informal Tea Party caucus that was formed during the 112<sup>th</sup> Congress by Senators Rand Paul of Kentucky, Mike Lee of Utah and Jim DeMint of South Carolina – who later retired and became the President of the Heritage Foundation. Notable Tea Party favorites such as Marco Rubio were courted, but the only joiner since DeMint's departure has been Jerry Moran of Kansas<sup>62</sup>. Despite their reluctance to join the informal caucus, several other Senators have displayed support for the Tea Party movement.<sup>63</sup>

Pinning down exactly who is a Tea Party Republican thus remains the biggest difficulty of studying the movement's impact in Congress. Bryan Gervais and Irwin Morris suggest looking more closely at the relationships between the politicians and the movement. They divide these relations into a four-way typology of high and low support from the Tea Party movement and organizations to the politicians (including campaign contributions), as well as high and low self-association with the movement by the politicians (including Caucus membership). This methodology thus underlines the fact that not all politicians who associate themselves with the Tea Party have actual support from the grassroots, and conversely not all politicians who are liked by the movement chose to solicit its support or join its activities. This method captures the intricacies of the relationships between the politicians and the movement in a way that produces useful results beyond the obvious cases of clear-cut Tea Party types and their centrist Republican competitors. Even still, the very nature of the Tea Party movement precludes exact attributions of membership and representation of the movement in Congress: practices like strategic campaign spending by organizations with ties to the movement, as well as the possibility of ideologically "non-pure" politicians joining caucuses ensure that a certain amount of haziness always remains. This is worth bearing in mind.<sup>64</sup>

For the purposes of this thesis, an approach that errs on the side of caution is adopted. Tea Party affiliated members in the 113<sup>th</sup> House of Representatives are counted as those who were members of the official Tea Party Caucus<sup>65</sup> or the Liberty Caucus<sup>66</sup> that came to stand for many of the same ideas following the former's dormancy. Adding together the members of Tea Party and Liberty caucuses produces a list containing the names of 66 Representatives.<sup>67</sup>

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62 Politico 27.1.2011, 4th Senator joins Tea Party Caucus.

63 Roll Call 14.11.2011, Senate Tea Party Caucus to Meet Jan. 27.

64 Gervais & Morris 2014, 2–8.

65 CNN 29.7.2011, Who is the Tea Party Caucus in the House?

66 No official list of Liberty Caucus members exists. The list used in this thesis is based on cross-referencing the internet-pages of Republican Representatives with media reports on the Liberty Caucus, and the signatures on several open letters available on the Facebook-page of the Liberty Caucus.

67 A full list can be found in the Appendix at the end of this thesis.

The amount of ambiguity that must be embraced when considering the Tea Party's Congressional organization is even larger in the Senate than in the House. In this thesis, the four actual members of the informal Tea Party caucus are naturally included in the count of Tea Party affiliated Senators. When it comes to the 2013 government shutdown at least, the Texas freshman Senator Ted Cruz, whose election was largely contingent on Tea Party support, must also be included in the count for his central role in channeling Tea Party anger during the shutdown. Several others could easily be included. DeMint's successor Tim Scott, for example, is well loved by the Tea Party and no stranger to Tea Party events<sup>68</sup>. Neither is Louisiana's David Vitter<sup>69</sup>. Several others have either tried to associate themselves with the movement or have received largely unsolicited support from it. For the purposes of this thesis Senators Paul, Lee, Moran and Cruz *at least* are considered to be representatives of the Tea Party. Such ambiguity unfortunately comes with the Tea Party territory.

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68 ABC News 17.12.2012, South Carolina Governor Nikki Haley Names Tim Scott to Replace Jim DeMint in Senate.

69 The Washington Post 10.4.2010, David Vitter rides the tea party wave.

### 1.2.3. Government shutdowns in the United States

*"I'll buy you a Coke Zero if you can tell me what the government shutdown was about in '95. What was the issue? Nobody remembers!"*

Senator Lindsey Graham, claiming there is no consensus on why the last shutdown happened.<sup>70</sup>

The fact that the federal government of the United States even *can* shut down stems ultimately from the checks and balances of the American Constitution. "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law," the Constitution states<sup>71</sup>, thus giving the 435 members of the House of Representatives and the hundred Senators significant power over the American purse string. This power is normally exercised through annual appropriation bills that fund *discretionary* government spending for a given fiscal year<sup>72,73</sup>

Twelve such appropriation bills are needed: one for each of the appropriations subcommittees in both the House of Representatives and the Senate. After both houses of Congress have passed twelve identical appropriation bills they are taken to the President for signing. If the President declines, the veto can only be overturned by a two-thirds majority vote in both houses. If passing these twelve regular appropriation bills proves too difficult politically, there is also the option of funding the government through continuing resolutions. These typically maintain the funding levels of the previous fiscal year until a specified date. The idea is to provide more time for negotiations, though it is not impossible or even uncommon for the Congress to use continuing resolutions to fund government spending through an entire fiscal year.<sup>74</sup>

It is important to note that in recent years discretionary spending has comprised only about 35–39% of all federal spending. The rest is taken up almost entirely by mandatory spending, which is spending required by law, mainly for entitlements such as Medicare and Medicaid. The remainder of federal spending is comprised of net interest payments of public debt.<sup>75</sup>

A government shutdown can therefore be defined as a situation where a new fiscal year begins

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70 NYT 28.9.2013, Last Shutdown a Lesson Lost on Capitol Hill.

71 U.S. Constitution, Article I, § 9.

72 American fiscal years always run from the 1<sup>st</sup> of October to the 30<sup>th</sup> of September of the following year. The 2013 government shutdown was thus a fight over the funding for the fiscal year of 2014.

73 Tollestrup 2014, 1–2.

74 Grant 2004, 68–70;  
Tollestrup 2014, 1–10,12–15.

75 Tollestrup 2014, ii.

without the Congress having passed appropriation laws for discretionary federal spending and where the resulting funding gap forces government services to start shutting down. Some services funded by discretionary spending are exempted from shutting down by provisions of a law called the Antideficiency Act. These mainly pertain to national security and public safety. The employees performing the exempted services have to do so without pay, though both them and the furloughed non-essential employees have generally received retroactive payment.<sup>76</sup>

There have been eighteen instances of federal funding gaps since the modern budgeting process was adopted in 1976. Even though these are all sometimes referred to as government shutdowns, they did not all result in significant, or in some cases any, disruption in government services. Thus a distinction could be made between mere funding gaps and real shutdowns, as well as between partial and full government shutdowns.<sup>77</sup>

The history of these eighteen confrontations can be divided into three rough phases. The first six funding gaps, starting with Gerald Ford's first and only partial shutdown in 1976 and ending with Jimmy Carter's fifth and final shutdown in 1979, make up the first phase. The funding gaps in this phase were relatively long, ranging from eight to eighteen days, but did not entail dramatic disruptions in government services and thus were not always actual shutdowns. Disagreements over abortion rights were often at the forefront of these early funding gap fights.<sup>78</sup>

The nature of federal funding gaps changed due to a pair of opinions issued by the Attorney General Benjamin Civiletti in 1980 and 1981. His stricter interpretation of the Antideficiency Act made it all but impossible for federal agencies to maintain most functions during funding gaps, as they had done earlier.<sup>79</sup> As a result of these raised stakes, the second phase of the history of federal funding gaps, from 1981 to 1990, is characterized by very short funding gaps. There were seven of them during the Reagan years, none of them longer than three days, as well as one three-day shutdown during the presidency of George H.W. Bush in 1990. The notable points of contention during this second phase included domestic budget cuts and strong defense spending, both advocated by President Reagan.<sup>80</sup>

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76 Brass 2014, 8,12–13;

The Washington Post 30.9.2013, Absolutely everything you need to know about how the government shutdown will work.

77 Tollestrup 2013, ii.

78 The Washington Post 25.9.2013, Here is every previous government shutdown, why they happened and how they ended.

79 Tollestrup 2013, 1–4.

80 The Washington Post 25.9.2013, Here is every previous government shutdown, why they happened and how they

If the first phase of the history of federal funding gaps in the United States was characterized by long gaps with relatively low stakes<sup>81</sup>, and the second phase with higher stakes and shorter durations, then the third modern phase combines the worst qualities from both earlier eras. The twin shutdowns of 1995 and 1996, as well as the 2013 government shutdown were both lengthy and disruptive.

The modern phase started in 1995 with two connected fights between the newly resurgent Republicans, led by the Speaker of the House Newt Gingrich, and the Democrats, who were led by President Bill Clinton. The Republicans had won large gains in the 1994 elections, in which they campaigned on a series of promises called Contract with America. Once in power they set to fulfilling those promises by, among other things, cutting entitlement spending, curbing environmental legislation and seeking a Constitutional amendment that would require federal budgets to be balanced. Clinton would not comply, however, and neither did many of these attempts pass in the Senate. The Republicans then turned to an abortive threat over preventing the raising of the debt ceiling, and when that failed, to demanding concessions in the budget negotiations. On November 13, 1995 a Continuing Resolution funding the government expired and President Clinton vetoed its replacement, thus starting the first fiscal year 1996 shutdown.<sup>82</sup>

The shutdown lasted for five days and caused 800,000 federal employees to be furloughed. Three of the thirteen<sup>83</sup> regular appropriation bills had been passed before the shutdown, so its effects, though unprecedented in scale, were not quite as large as they could have been otherwise. The first shutdown ended with the passing of two continued resolutions that gave the opposing parties until December 15 to continue their negotiations while the affected agencies received 75% of their pre-shutdown funding.<sup>84</sup>

The negotiations resulted in four new appropriation bills, but little else. The government shut down again on December 15 and 280,000 federal employees were sent home. At 21 days this was to be the longest government shutdown to date. It finally ended on January 6, 1996 in Republican

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ended.

81 The "lower stakes" for the early funding gaps and shutdowns are of course in reference to the actual shutdown effects, and not the political fights themselves, which often were very bitterly fought.

82 Grant 2004, 49–50;

Brass 2014, 14–15;

The 1995–1996 Government Shutdown section of the webpage of the Regional Oral History Office of the Bancroft Library of the University of California, Berkeley research project "Slayig the Dragon of Debt".

83 Thirteen was the total amount of regular appopriation bills at the time. The number has since been reduced to twelve.

84 Tollestrup 2013, 4–5.

capitulation. The shutdown had been more severe than any in history – the Office of Management and Budget later estimated the costs of the twin shutdowns at at least 1,4 billion Dollars – and consequently the associated public pressure was significant. The Republicans lost the blame game decisively. Conventional Washington wisdom often links both Bill Clinton's re-election and Newt Gingrich's later fall from grace to the fiscal year 1996 shutdowns<sup>85, 86</sup>.

Viewed in this historical context, the 2013 government shutdown has to be situated on the severe end of the spectrum alongside with the preceding fiscal year 1996 shutdowns. At sixteen days it is only shorter than the second Clinton era shutdown and the 18-days-long shutdown in 1978, when President Carter and the Republicans fought over abortion and funding for a nuclear-powered aircraft carrier ship.<sup>87</sup>

In fact, it could be argued that the 2013 government shutdown was the most severe in history. The 1978 shutdown preceded the Civiletti opinions and was thus less disruptive in scope than modern shutdowns, while the fiscal year 1996 shutdowns were only partial thanks to the appropriation bills passed before it began. None of the twelve appropriation bills were passed before October the first, 2013, and therefore the 850,000 furloughed federal employees, out of a total of about 2.9 million, represented all government services funded by discretionary spending. The only exception in 2013, besides the usual essential workers exempted by the Antideficiency Act, were military personnel as well as some Defense Department workers and civilian contractors who were all insulated from the shutdown by a bipartisan bill hurried to President Obama's desk the night before the shutdown<sup>88, 89</sup>.

The negative economic impact of the 2013 government shutdown was certainly the largest of all shutdowns to date. According to the Office of Management and Budget, the equivalent of 6.6 million days of work was not performed due to furloughs, while retroactive back pay for this non-existent work later cost 2.5 billion Dollars<sup>90</sup>. Meanwhile the Council of Economic Advisers estimates that annualized GDP growth in the fourth quarter of 2013 was reduced by 0.25 percentage points, while private-sector job-growth was diminished by 120,000 new jobs during the shutdown

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85 Brookings Institute 25.9.2013, How Clinton Won the Government Shutdown Fight & Why Obama Will Too.

86 Grant 2004, 29,53;

Brass 2014, 14–15,32–33;

The 1995–1996 Government Shutdown section of the webpage of the Regional Oral History Office of the Bancroft Library of the University of California, Berkeley research project "Slayig the Dragon of Debt".

87 The Washington Post 25.9.2013, Here is every previous government shutdown, why they happened and how they ended.

88 Politico 30.9.2013, Obama to sign military pay bill.

89 Brass 2014, 15.

90 Office of Management and Budget 2013, 4.

itself<sup>91</sup>.

It is clear, then, that the 2013 government shutdown was very extensive. A long history of past funding gaps and shutdowns also suggests that the shutdown's harmful effects would not escape public notice. The fact that the risks involved in shutting down the government were so apparent makes the Republican strategy especially interesting. It is now time to turn to Congressional Republicans and see if the internal division within their ranks can explain the adoption of this risky approach.

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91 Council of Economic Advisers 2013, 1.

## 2. The government shutdown divides Congressional Republicans

*“We’ve had enough of the disunity in our party. The headlines are Republicans fighting Republicans. This will unite us.”*

Majority Leader Eric Cantor, explaining the decision to adopt the defunding strategy.<sup>92</sup>

In recent decades it has traditionally been the Democratic party that has suffered more from an unruly caucus and internal divisions. Recent years have seen tables turn, however, and internal strife has come to be associated more and more with the Republicans – especially after the rise of the Tea Party movement and the 2010 midterm elections. Since then there have been several high-profile cases of disagreement inside the caucus: endorsements for colleagues' primary opponents, attack ads, derailments of bipartisan negotiations – most notably in the summer of 2011 when pressure from politicians affiliated with the Tea Party forced the party leadership to scuttle grand budget bargain talks with the White House and settle for a much more modest agreement – and many others. There even was a coup attempt against Speaker Boehner in the beginning of January 2013 that failed only by six votes. In short, tensions inside the caucus were higher than at any time in recent memory.<sup>93</sup>

This was then the context in which the decisions that led to the government shutdown of 2013 were taken. The caucus had shifted to the right ideologically, and as a result, the more moderate and centrist members were anxious over the direction of the party, the more conservative members were unsatisfied about not being heard, and the leadership was left with the difficult task of trying to reconcile these differences all the while trying to govern and seek better positions for future elections.

And Obamacare still existed. That it was a bad law, a catastrophe in waiting, or even an existential threat to the way of thinking that made the United States great – these were about the only things that all the Congressional Republicans could agree on. What was left was figuring out how to get rid of it.

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<sup>92</sup> The Atlantic 30.9.2013, Countdown to Shutdown: A Primer on Where Budget Wrangling Stands.

<sup>93</sup> Politico Magazine Jan/Feb 2015, The Prisoner of Capitol Hill.

## 2.1. Prelude to shutdown: Meadows and Lee letters to Congressional leadership

*"James Madison wrote in Federalist No. 58 that the "power over the purse may, in fact, be regarded as the most complete and effectual weapon ... for obtaining redress of every grievance..." We look forward to collaborating to defund one of the largest grievances of our time and to restore patient-centered healthcare in America."*

The concluding words of Representative Meadows's letter urging his leaders to defund Obamacare.<sup>94</sup>

The idea of combatting Obamacare through the Congressional appropriations process surfaced well before October of 2013. The defunding strategy gained substantial traction following the July 2012 ruling by the Supreme Court in favor of the law, and through the rest of the year and the beginning of 2013 it percolated through conservative circles and came up in advocacy group talking points. The proponents of the plan in Congress set the initial target for a showdown at March 27, 2013, when a Continuing Resolution was set to expire. In the Senate, freshmen Ted Cruz of Texas and Mike Lee of Utah tried to drum up support for the defunding strategy, but as their chamber was Democrat-controlled, such a move could only work with support in the House of Representatives. Georgia's Tom Graves pushed for defunding in the House<sup>95</sup>, but the Speaker John Boehner chose to pursue other avenues of attack at the time. The defunders had to bide their time.<sup>96</sup>

The drawing of the initial shutdown battle-lines started in the summer when Representative Mark Meadows of North Carolina and Senator Lee drafted open letters to their Congressional leaders, urging them to adopt the defunding strategy. The current Continuing Resolution was set to expire at the end of September and this was thus the last opportunity to act before Obamacare went into effect. Outside groups, including Tea Party types and well-funded advocacy organizations both, rallied behind the effort and put considerable pressure on Congressional Republicans to sign one of the two letters.<sup>97</sup>

The letters received mixed response inside the Republican Congressional caucus. There were certainly those who adopted the strategy with enthusiasm. In addition to Cruz, Lee and Meadows, Senator Marco Rubio of Florida, who already at the time was considered one of the party's top candidates for the 2016 presidential elections, became a leading early proponent of the idea. From

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94 Letter from Representative Meadows to Speaker Boehner and House Majority Leader Eric Cantor, 21.8.2013.

95 WSJ 28.9.2013, Budget Battle: Unbending Lawmaker Highlights GOP Leaders' Challenge.

96 NYT 6.10.2013, A Federal Crisis Months in the Planning.

97 NYT 6.10.2013, A Federal Crisis Months in the Planning.

the Senate leadership the holders of the second and third highest positions, Minority Whip John Cornyn of Texas and Conference Chairman John Thune of South Dakota both gave the Lee letter additional weight by signing, though Cornyn later withdrew his signature.<sup>98</sup>

Many members were vocal in their opposition to the strategy from the start. Senator John McCain of Arizona, the party's presidential candidate in 2008, spoke out against threatening shutdown in a talk-show interview in July, saying that, "most Americans are really tired of those kinds of shenanigans here in Washington."<sup>99</sup> Representative and Deputy Majority Whip Tom Cole of Oklahoma called the shutdown strategy a "temper tantrum" and "blackmail"<sup>100</sup>. Probably the harshest early critic was Senator Richard Burr of North Carolina, who, when asked about Senator Lee's efforts to link defunding Obamacare to funding the government, said, "I think it's the dumbest idea I've ever heard of. Listen, as long as Barack Obama is president, the Affordable Care Act is going to be law"<sup>101</sup>.

Burr's comments did not go unnoticed by proponents of the plan or their backers. The Senate Conservatives Fund, a fundraising organization for the promotion of very conservative Senate candidates quickly turned on Burr and other Senate Republicans they felt had endangered the defunding strategy. Besides Burr, the Senate Minority Leader Mitch McConnell from Kentucky, Senators Alexander from Tennessee, Johnny Isakson from Georgia, Jeff Flake from Arizona<sup>102</sup>, Thad Cochran from Mississippi and Lindsey Graham from South Carolina became the targets for radio attack ads. Heritage Action, the political arm of the Heritage Foundation, meanwhile, organized an aggressive internet ad campaign against a hundred Representatives that had not signed the Meadows letter. The vehemence involved in these pressure campaigns is well encapsulated by the words of the Senate Conservatives Fund's Executive Director Matt Hoskins: "Any Republican who votes to give Obama a single penny to implement Obamacare is part of the problem and should be defeated. Any Republican who votes to fund Obamacare should have a primary challenger."<sup>103</sup>

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98 Talking Points Memo 24.7.2013, Conservatives Desperately Move To Shut Down Government Over Obamacare; The Hill 23.7.2013, Government shutdown looms over ObamaCare; The Huffington Post 25.7.2013, Richard Burr: Mike Lee Government Shutdown Threat 'Dumbest Idea I've Ever Heard Of'.

99 The Hill 23.7.2013, Government shutdown looms over ObamaCare.

100 Talking Points Memo 25.7.2013, Senior GOPer: Try To Ditch Obamacare? Dream On, Guys.

101 National Journal 18.8.2013, The Defund Obamacare Movement Falls on Hard Times.

102 NYT 23.9.2013, Deeply Conservative, but Not an Obama-Hater.

103 Politico 29.9.2013, Senate Conservatives Fund roils GOP;

NYT 6.10.2013, A Federal Crisis Months in the Planning;

Bloomberg 22.8.2013, Defunding of Heath Law Backed by 80 House Republicans;

The Hill 23.7.2013, Government shutdown looms over ObamaCare.

The defunders were not alone in putting pressure on those who disagreed with them. Senate Minority Leader Mitch McConnell went on record and told the press he wished to honor the budget deal made with the Democrats in 2011, which would entail funding Obamacare. His influence has also been linked to the withdrawal of signatures of John Cornyn and four other Senators who had initially signed the letter. Besides Cornyn, Senators John Boozman from Arkansas, Mark Kirk from Illinois, Roger Wicker from Mississippi and Kelly Ayotte from New Hampshire withdrew their signatures. Backing down from the letter had a political cost, of course, and all involved were put under renewed pressure from the defunders and their allies. Senator Cornyn, for example, received almost 15,000 emails from a campaign organized by FreedomWorks alone<sup>104</sup>, while he also became a target for radio attack ads.<sup>105</sup>

The final tally for the letters was 14 out of 46 Republicans in the Senate for the Lee letter<sup>106</sup> and 80 out of 232 for the Meadows letter<sup>107</sup> in the House of Representatives<sup>108</sup>. A full list of the signatures can be found in the Appendix at the end of this thesis. This was then the initial dividing line inside the Republican caucus in the shutdown fight. Perhaps some doubted that a shutdown would occur, but the late summer fight over the letters was real enough: the millions of Dollars spent on radio attack ads on the issue alone speak to this. In any case the shutdown did eventually start and the fight over the defunding strategy gained new urgency.

Before moving on to the shutdown, however, it is worth taking a quick look at the personas of the three politicians who became symbols of the shutdown due to their late summer activities. Mike Lee, the first ever successful Tea Party ouster of an established incumbent, became the youngest member of the Senate following the 2010 elections. Despite numerous family connections to traditional party elites in both parties – Democratic Senate Leader Harry Reid was Lee's Mormon home teacher, while his father was the Solicitor General under Reagan – Lee cast his lot with the outsiders and was one of the co-founders of the informal Senate Tea Party Caucus. Largely unknown before the 2013 shutdown nationally, Lee had nonetheless established quite a following in the Tea Party circles, partly because of his willingness to buck the party leadership when ideology

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104 FreedomWorks advocacy page with an electronic form for contacting Senator Cornyn and demanding that he sign the Mike Lee defunding letter.

105 Talking Points Memo 24.7.2013, Conservatives Desperately Move To Shut Down Government Over Obamacare; Politico 29.9.2013, Senate Conservatives Fund roils GOP.

106 Letter from Senator Lee to Senate Majority Leader Reid, 25.7.2013.

107 Letter from Representative Meadows to Speaker Boehner and House Majority Leader Eric Cantor, 21.8.2013.

108 Alabama Congressman Mo Brooks is sometimes incorrectly named as one of the signatories, but he did not sign the letter (Al.com 7.10.2013, Rep. Mo Brooks on list of blame for government shutdown, according to website). Lists that include Brooks typically either have 81 names or fail to include Meadows himself.

necessitated.<sup>109</sup> In fact, Lee could be considered as an archetypal example of a politician with high Tea Party support and high Tea Party self-identification, as envisaged by Gervais and Morris.

Mark Meadows had only represented his North Carolina district in the House of Representatives for eight months before drafting his influential letter to Speaker Boehner. Before redrawing of district boundaries in 2012 caused the moderate Democrat incumbent of Meadow's district to retire, he had been running a small-town sandwich shop. Meadows was vetted by local Tea Party groups before running and has since been held in growing esteem by movement activists. Like Lee, Meadows has had no qualms about defying the party leadership – before the shutdown or since.<sup>110</sup>

While Lee and Meadows both got their fair share of national spotlight for their letters, neither finally emerged as the most visible Republican "face" of the shutdown. That role was assumed by Lee's frequent Senate collaborator Senator Ted Cruz from Texas. Like Meadows, Cruz was only serving his first term when the shutdown began. He took over the seat of the retiring Senator Kay Bailey Hutchison in January of 2013, after a fiercely contested runoff election against the establishment-backed Republican Lieutenant-Governor David Dewhurst. Much of Cruz's backing came from the Tea Party movement – with which he identifies himself – and he even managed to enlist for his campaign the aid of national Tea Party stars like the Senator Jim DeMint and former Vice-Presidential candidate Sarah Palin. This victory quickly propelled Cruz himself to national Tea Party stardom.<sup>111</sup>

While Cruz had been one of the early adopters of the defunding strategy and a vocal proponent of the Meadows and Lee letters, it was only during the last week of September that he made himself the Republican "face" of the shutdown. On September 24 he took to the Senate floor and announced that he was going to speak out against Obamacare until he could no longer stand. While this was not technically a filibuster<sup>112</sup>, since procedural rules prevented him from deadlocking the Senate beyond the following noon, his 21 hour 19 minutes speech got him the national attention he wanted. The speech drew attention to the defunding strategy and took up almost a day's worth of the Senate's

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109 The Washington Post 5.2.2011, Sen. Mike Lee: A political insider refashions himself as tea party revolutionary; CNN 1.10.2013, Architect of the brink: Meet the man behind the government shutdown.

110 Politico 28.7.2015, Who is Rep. Mark Meadows?;

CNN 1.10.2013, Architect of the brink: Meet the man behind the government shutdown.

111 The Washington Post 31.7.2012, Ted Cruz wins Republican runoff for Texas Senate seat.

112 These filibuster-like marathon speeches that nonetheless fail to meet the specifications of a proper filibuster have become increasingly common and popular in American politics in the past few years. Another recent example was Rand Paul's ten-and-a-half hour speech against government surveillance in May of 2015. A proper term is desperately needed for this kind of almost-filibuster. Some journalists have used "talkathon", but the current author would like to submit for consideration "sillybuster" or "filibusterino" (as in: Filibuster In Name Only).

time right at the brink of the impending shutdown.<sup>113</sup>

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<sup>113</sup> WSJ 25.9.2013, Cruz's Defiant Stand Is Also a Lonely One – Senator's Long Speech, Aimed at Keeping Health-Law Funds Out of Budget Bill, Wins Few Backers Among GOP Colleagues;  
NYT 26.9.2013, Cruz, Tea Party Hero, Rankles Senate G.O.P. Colleagues.

## 2.2. Early days: shutdown provokes moderate backlash

*"And now, instead of talking about Obamacare, we're playing power games with each other. Think about how dumb that is: You shut down the government the same day that Obamacare is implemented. And everybody knows this is going to be a car crash."*

Representative Devin Nunes on the defunding strategy<sup>114</sup>.

Americans woke up on October the first to find that a lot had happened overnight. Registration for Obamacare had begun – though the huge technical problems involved were not yet apparent – and the federal government had shut down. If some in Congress had thought that this political game of chicken would end with one side flinching at the last moment, as it had so often before, then the early Tuesday morning hours must have been sobering indeed. Republican reactions were once more mixed. On the side of the defunders, the mood was jubilant. "We've passed the witching hour of midnight, and the sky didn't fall, nothing caved in," declared Representative Steve King of Iowa (not to be confused with Peter T. King of New York), maintaining that "the end of Obamacare" was now in sight. Other defunders, like Raúl R. Labrador of Idaho, were similarly confident: "It's getting better for us. The moment where Republicans are least popular is right when the government shuts down. But when the President continues to say he's unwilling to negotiate with the American people, when Harry Reid says he won't even take things to conference, I don't think the American people are going to take that too kindly."<sup>115</sup>

Many moderate Republicans were less optimistic, and several of them were willing to go on record saying it. Representative Devin Nunes of California was one of the most vocal critics, saying it was "moronic to shut down the government over this"<sup>116</sup> and even likening the defunders to "lemmings with suicide vests"<sup>117</sup>. Some of the other critics included Representative Peter T. King of New York, who called the shutdown a "dead end that Ted Cruz created"<sup>118</sup>, and Senator Jeff Flake of Arizona, who explained that, "We've called their bluff, and they didn't blink," while adding that the Republicans were "likely to get the blame"<sup>119</sup>.

As the first effects of the shutdown started to get noticed, the Republican leaders settled on a tactic

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114 National Review 7.10.2013, Devin Nunes, Provocateur.

115 NYT 2.10.2013, A Committed Group of Conservatives Outflanks the House Leadership.

116 NYT 1.10.2013, U.S. Government Is Shutting Down In Fiscal Inpasse.

117 NYT 1.10.2013, Conservatives With a Cause: 'We're Right'.

118 NYT 1.10.2013, U.S. Government Is Shutting Down In Fiscal Inpasse.

119 NYT 2.10.2013, President Tells Republicans To 'Reopen the Government'.

of trying to open non-controversial and popular parts of the government in a piecemeal fashion, with House Majority Leader Eric Cantor of Virginia adding new programs to the list as soon as complaints about them were made. The approach was denied success, however, by the Democratic Senate Majority Leader Harry Reid who vowed to kill any such bill in the Senate. This left the Republicans with no apparent moves to alleviate shutdown effects or to add pressure to the Democrats.<sup>120</sup>

Pressure was building in the Republicans' own ranks instead. A private luncheon at the Senate's Mansfield Room erupted in a shouting match on October 3, when Senators Kelly Ayotte of New Hampshire, Dan Coats of Indiana and Ron Johnson of Wisconsin angrily confronted Ted Cruz, berating him for driving the party to adopting the defunding strategy and demanding what possible endgame the strategy could have. Senator Ayotte reportedly waved a copy of a Senate Conservatives Fund attack ad directed at her and 24 other Republican Senators who had voted to limit debate in a procedural Obamacare-related vote that the Democrats had been sure to win. Ayotte then demanded Cruz to renounce the attacks and explain his plan. When Cruz replied, "I will not", even more Senators stepped in to attack him, including the Minority Leader Mitch McConnell. Several Senators gave scathing anonymous quotes after the altercation, one calling the scene a "lynch mob", and another saying, "It was very evident to everyone in the room that Cruz doesn't have a strategy – he never had a strategy, and could never answer a question about what the endgame was. I just wish the 35 House members that have bought the snake oil that was sold could witness what was witnessed today at lunch."<sup>121</sup>

In fact, there was a moderate group of Republicans in the House, who had started contemplating a coup of their own. Led by Representatives Charlie Dent of Pennsylvania and Peter T. King of New York (both archetypal examples of a Republican with low support from and low self-identification with the Tea Party), the group was concerned with the damage the shutdown was causing the Republican brand. Dent had earlier unsuccessfully pushed Republicans to tone down their demands to repealing a unpopular part of Obamacare called the medical device tax<sup>122</sup>. The goal now was a "clean" Continuing Resolution with no demands, since it was, in the group's view, the most likely

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120 WSJ 3.10.2013, No Movement In Shutdown Standoff – Obama, Congressional Leaders Meet, But Neither Side Backs Off Budget Stance;

NYT 3.10.2013, Obama Sets Conditions For Talks: Pass Funding And Raise Debt Ceiling.

121 NYT 4.10.2013, G.O.P Elders See Liabilities In Shutdown;

WSJ 4.10.2013, The Defunding Way of Fundraising;

Politico 2.10.2013, Some colleagues angry with Cruz.

122 NYT 8.10.2013, A G.O.P. Moderate in the Middle... of a Jam.

outcome of the shutdown anyway. According to Representative Michael Grimm of New York, the group was "spitballing" ideas to overcome the September 30 rule change that made it impossible for anybody else than Majority Leader Eric Cantor initiate a House vote on a "clean" Continuing Resolution<sup>123</sup>. If successful, the group could then push for an end to the shutdown with the help of Democratic votes. Besides Dent, King and Grimm, at least twenty-two other Representatives had publicly supported a "clean" Continuing Resolution, while a further five others initially supported the idea, but later walked back on their comments.<sup>124</sup>

The fact that this group was willing to share the plans for their "revolt" with journalists is indicative of their expectations of success. Speaking out must have been a way of gaining attention to their views and putting pressure on Speaker Boehner. No moderate rebellion ever happened.

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123 Talking Points Memo 10.10.2013, The House GOP's Little Rule Change That Guaranteed A Shutdown.

124 Roll Call 2.10.2013, Republican Centrists Plot Revolt to End Government Shutdown;

The Huffington Post 1.10.2013, Here's A Tally Of Which House Republicans Are Ready To Fund The Government, No Strings Attached.

### 2.3. The leadership team's difficult balancing act

*"This isn't some damn game. The American people don't want their government shut down and neither do I."*

Speaker of the House John Boehner, on October 4, criticizing the Democrats' intransigence.<sup>125</sup>

There *was* immense pressure on Speaker of the House John Boehner: the Democrats' control of the Senate made him the most central Republican negotiator during the shutdown over Mitch McConnell. In the lead-up to the shutdown he could have probably averted the crisis at any moment by allowing a vote in the House on the "clean" Senate bill. Democrats and moderate Republicans would have most likely had enough votes to pass it. The fact the Boehner refused is telling of just how much pressure he was under from the defunders. And that was only one part of the delicate balancing act that Boehner and his leadership team had to perform to keep the various Republican factions in Congress from turning on Boehner or each other.<sup>126</sup>

The threat of a rebellion by moderates like Charlie Dent was a part of this, as were the calls for a "clean" Continuing Resolution. As the first week of the shutdown drew to a close these voices grew louder. "If it went to the floor tomorrow, I could see anywhere from 50 to 75 Republicans voting for it" Dent declared on the 6<sup>th</sup>, "and if it were a secret ballot, 150." President Obama echoed these comments, demanding Boehner to prove his claims that not enough votes existed in the House. Boehner held his ground though, as to acquiesce to these calls would have opened Boehner's right flank to attacks. As the second week of the shutdown began the plan was still to extract concessions from the Democrats while avoiding economic catastrophe in the form of defaulting.<sup>127</sup>

This last goal proved harder to sell to the Republican caucus than many would have guessed. Despite the assurances of various experts that hitting the debt ceiling would trigger an unprecedented economic meltdown<sup>128</sup>, many Congressional Republicans were skeptical. Some, like Senator Burr of North Carolina, Senator Bob Corker of Tennessee and Representative Justin Amash of Michigan, questioned the October 17 date, claiming that incoming tax revenues would stave off the default for some time still. Senator Rand Paul of Kentucky claimed there was no real deadline

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125 CNN 4.10.2013, House Republicans predict government shutdown will go on for weeks.

126 WSJ, 30.9.2013, Government Heads Towards Shutdown – With Deadline Looming Tonight, No Signs of Resolution.

127 NYT 7.10.2013, Boehner Hews to Hard Line in Demanding Concessions From Obama;

NYT 8.10.2013, Senate Leaders Mull Raising Debt Ceiling In Challenge to House.

128 For example: U.S Department of the Treasury 2013.

and said, "It is really irresponsible of the President to try to scare the markets." Others went even further and questioned whether defaulting would really even be that dangerous. Representative Ted Yoho from Florida cited his experience in running a veterinary practice and said of defaulting, "I think, personally, it would bring stability to the world markets."<sup>129</sup><sup>130</sup>

Still, the leadership team's balancing act seemed to work. No moderates rebelled and there were no real outbursts against Boehner from the Tea Partiers or other defunders on the right. A part of this might be explained by the fact that there were no credible candidates for usurping Boehner's title during the shutdown. Unlike in the 2011 fiscal crisis, there could be no speculation that the Majority Leader Eric Cantor – the only feasible candidate – would challenge Boehner, since Cantor was mired way too deep in the shutdown negotiations himself.<sup>131</sup>

The defunders were sufficiently mollified by the leadership's adoption of their strategy, and when the Democrats did not budge and the polling started to look especially bad for the Republicans during the second week of the shutdown<sup>132</sup>, a quiet pivot from demanding Obamacare concessions was possible. Rather than defunding or a "clean" Continuing Resolution, Boehner's team decided to go for broader budget talks and demands for reduced spending. For this they brought in the party's intellectual powerhouse, Chairman of the House Budget Committee and Mitt Romney's running mate in the 2012 presidential elections, Representative Paul Ryan of Wisconsin, who had up until then kept a strangely low profile in the shutdown negotiations<sup>133</sup>.<sup>134</sup>

Ryan's emergence was in itself emblematic of the changing dynamics of the House Republicans' handling of the shutdown. Over the years he had come to represent and head a loose group of policy-orientated House Republicans whose main goal in Congress was the attainment of structural entitlement reforms for combatting the deficit<sup>135</sup>. The plan he put forth in the negotiations to end the shutdown was one he had advocated in an opinion piece in *The Wall Street Journal* on Wednesday, October 9<sup>136</sup>: extending the debt ceiling by six weeks in order to create a new deadline for broader

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129 *The Washington Post* 7.10.2013, Wonkbook: Three terrifying quotes on the debt ceiling.

130 *NYT* 9.10.2013, Many in G.O.P. Offer Theory: Default Wouldn't Be That Bad.

131 *NYT* 5.10.2013, Boehner Urges G.O.P. Solidarity in 'Epic Battle';  
Woodward 2012, 166–167, 177–178.

132 *WSJ* 10.10.2013, Poll Finds GOP Blamed More for Shutdown – Party Scores Lowest Marks in 20-Plus Years;  
Mood Also Darkens About the Economic Impact of the Government Standoff.

133 *WSJ* 30.9.2013, Analysis: Obama and Ryan Stay on Sidelines.

134 *NYT* 11.10.2013, Talks Are Begun On Fiscal Crisis; No Quick Accord;  
*WSJ* 11.10.2013, Obama, GOP Open Talks Over Temporary Debt Fix.

135 Woodward 2012, 135–136.

136 *WSJ* 9.10.2013, Here's How We Can End This Stalemate.

budget framework talks with deficit reduction and entitlement reform as their focus.<sup>137</sup>

The problem was that this kind of deficit deal had been attempted by President Obama and House Republicans at least five times before, most notably during a 44-day crisis in the summer of 2011, and without much to show for it. The Democrats felt that the shutdown had strengthened their negotiation position, and while the House Republicans reportedly toned down their demands from earlier similar talks, no agreement was reached. The six-week extension promised by the Republicans was simply too short for the White House, and thus the negotiations with House Republicans were abandoned in favor of separate negotiations in the Senate.<sup>138</sup>

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137 NYT 11.10.2013, Ryan Is Again In the Forefront For the G.O.P.;

NYT 11.10.2013, Talks Are Begun On Fiscal Crisis; No Quick Accord.

138 NYT 13.10.2013, Senate Takes Lead as House Republicans' Talks With White House Fail;

NYT 13.10.2013, Stuck on Usual Quarrel: Raising New Revenue.

## 2.4. Latter days: bickering over the terms of surrender

*"We've got a name for it in the House: it's called the Senate surrender caucus. Anybody who would vote for that in the House as Republican would virtually guarantee a primary challenger."*

Representative Tim Huelskamp, on the emerging Senate deal and its negotiators.<sup>139</sup>

As the Senate eclipsed the House in the negotiations, Minority Leader Mitch McConnell of Kentucky stepped into the national spotlight. For a Congressional leader he had kept a relatively low profile during the first eleven days of the shutdown, a decision that some attributed to the fact that he was facing a primary challenge from an anti-establishment candidate Matt Bevin, as well a credible general election challenge from Kentucky's Democratic Secretary of State Alison Lundergan Grimes. Once in the center of negotiations, however, he moved fast, and with the help of Tennessee's Senator Lamar Alexander pushed for concrete suggestions for compromises.<sup>140</sup>

Senator Susan Collins of Maine answered the call, and was soon joined by two other Republican Senators, Lisa Murkowski of Alaska and Kelly Ayotte of New Hampshire, as well as two Democrats, Barbara Mikulski of Maryland and Patty Murray of Washington. The two Republicans who joined with Collins were no strangers to attacks from the right: Ayotte had earlier been on the receiving end of Senate Conservatives Fund ads about the Lee letter, while Murkowski had actually been defeated in a 2010 primary election by a Tea Party candidate Joe Miller, who she then went on to defeat as a write-in candidate<sup>141</sup> in the general election<sup>142</sup>. The initial Collins proposal called for a repeal of the medical device tax and tightened income verification rules for Obamacare subsidies in exchange for reopening the government and funding it at current levels until November 15, when broader formal budget negotiations would have to be started. The Senate Democrats were willing to negotiate, but right from the start insisted on a delay of two years for the medical device tax rather than a full repeal while demanding that government be funded at least until the end of January. Despite these demands Mitch McConnell gave the Collins plan his backing.<sup>143</sup>

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139 NYT 15.10.2013, Senate Near Fiscal Deal, but the House Is Uncertain.

140 WSJ 14.10.2013, Budget Battle: McConnell Rejoins the Fray as Negotiations Heat Up.

141 This was the first successful Senate write-in campaign since Strom Thurmond's South Carolina write-in win in 1954.

In addition to having to run without the support of the party machine, a write-in candidate has to teach the electorate the proper spelling of his or her name (unlike a primary winner whose supporters only have to tick a box next to a name) as incorrectly spelled names are disqualified. Murkowski achieved this in part by running ads with the letters MUR next to pictures of a cow with the letter K stamped on it and a pair of skis. (The Washington Post 3.11.2010, In Alaska, fierce ballot-by-ballot count looms.)

142 Sabato 2011, 23–24.

143 NYT 14.10.2013, Spending Dispute Leaves A Senate Deal Elusive;

NYT 15.10.2013, Senate Women Lead in Effort To Find Accord.

The news that a Senate deal was drawing near sent the House Republicans scurrying for a new proposal of their own. If none was produced very soon, many members felt that they would be forced to accept whatever deal came out of the Senate, and that the outcome then would most likely be worse than a deal of their own making. Paul Ryan went as far as to complain publicly, to no avail, about House Republicans being ignored by the negotiators in Senate<sup>144</sup>. Adding to the atmosphere of immediacy were the news on Tuesday, October 15 that the credit ratings agency Fitch was putting the United States on "negative ratings watch", hinting at a repeat of an episode of the 2011 fiscal crisis when Standard & Poor's downgraded America's credit rating<sup>145</sup>.<sup>146</sup>

With only two days to go before the nation would hit the debt ceiling, House Republicans spent most of Tuesday hammering out the details of a bill they planned to vote on in the evening. The core idea was to extend the debt ceiling until February 7 and fund the government until December 15. As for Obamacare, the House bill would have cut health insurance subsidies for members of Congress, their staff and other administration personnel. But this was not enough for the defunders, especially since Heritage Action publicly came out against the plan, and frantic attempts at nudging the bill towards their preferences caused the more moderate House Republicans to threaten to withdraw. Twice on Tuesday Boehner's team was about to put the bill to vote, only to withdraw it moments later, because not enough support seemed forthcoming. In the end, they had to give up for the day, which effectively ensured that a solution would have to come from the Senate or not happen at all.<sup>147</sup>

With no other credible options and little time to spare, Mitch McConnell and Harry Reid continued with the negotiations from where Collins' group had left them. Democrats refused to budge over the medical device tax, but otherwise a deal was in sight. McConnell said it gave the Republicans "far less than many of us hoped for, quite frankly, but it's far better than what some had sought." What he was referring to – and what was another sign of how bad the Republicans' negotiation position had become – was the idea floated by some Democrats of demanding that the Republicans give up some of the budget cuts negotiated in 2011 in exchange for the deal. That was avoided, but otherwise there was not much in the deal for the Republicans. Obamacare would survive almost without a scratch. For funding the government until January 15 and extending the debt ceiling until

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144 NYT 15.10.2013, Senate Women Lead in Effort To Find Accord.

145 NYT 15.10.2013, Credit Agency Places U.S. on 'Ratings Watch'.

146 NYT 16.10.2013, With G.O.P. Badly Divided, Boehner Is Left 'Herding Cats'.

147 WSJ 16.10.2013, Conservative Dissent Stalls Budget Plan – House Leaders Forced to Cancel Vote; Fitch Warns U.S. Credit Rating at Risk;

NYT 16.10.2013, Talks In Disarray As House Balks Over Debt Plan.

February 7 the Republicans would get a small tightening of the law's income verification rules. The deal would also include mandatory budget talks in December.<sup>148</sup>

The only question that remained was whether the defunders would try to block the bill or delay it over the October 17 debt ceiling deadline. Ted Cruz was faced by a torrent of questions by reporters about whether he would use parliamentary tricks to do so in the Senate. He said he would not, saying "there is nothing to be gained from delaying this vote one days or two days. The outcome will be the same<sup>149</sup>". With Cruz admitting defeat, no other defunders moved in to block the vote.

It was 7:56 in the evening on October 16, when the final bill, called the Continuing Appropriations Act, 2014, passed in the Senate on a vote of 81 for and 18 against. All the eighteen no-votes were from Republican Senators, as were 27 of the yes-votes.<sup>150</sup> The House vote for the bill ended at 10:18 with a final tally of 285 for and 144 against. All the no-votes were again from the Republicans, while 87 of them voted yes. With three absences the bill was passed with a margin of 70 votes.<sup>151</sup> As President Obama had already signaled that he would sign the bill, this effectively ended the government shutdown.

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148 NYT 17.10.2013, Shutdown Is Over;

WSJ 18.10.2013, Deal or No Deal: Behind the Scenes, Silence, Distrust And Hardball.

149 The New York Times video of Ted Cruz saying he won't block the deal ending the shutdown, 16.10.2013.

150 Senate Roll Call vote 219.

151 House of Representatives Roll Call vote 550.

### 3. Explaining the divisions

*"All that really matters is what my district wants. And my district is overwhelmingly in favor of my position."*

Representative Thomas Massie, on why he supports defunding Obamacare even if it leads to shutdown.<sup>152</sup>

The bare-bones narrative of the shutdown from the Republicans' perspective is clear, then: looking for new ways to attack Obamacare and urged by conservatives such as Cruz, Lee and Meadows, the Republicans settled on a tactic of threatening to shut down the government if the law was not defunded or at least delayed by a year. In the late summer 14 of 46 Republican Senators and 80 out of 232 Representatives signed the Lee and Meadows letters. This approach led to the shutdown, which did not end in the Democrats' capitulation, as the defunders had hoped, but rather in their own. After sixteen days 87 Representatives and 27 Senators voted in favor of the bill that ended the shutdown, while 144 Representatives and 18 Senators did not.

In the Senate 24 members supported the final compromise *and* had declined to sign the Lee letter, while 10 Senators had signed the letter and voted no, whereas further 10 others either voted no but had declined to sign, or had signed but voted yes<sup>153</sup>. In the House 78 members voted for the compromise and had declined to sign the Meadows letter, while 72 voted against the compromise and had signed the letter, whereas another 81 members either voted for the compromise, but had signed the letter, or voted against the compromise, but had not signed the letter.<sup>154</sup>

But is this all there is to it? Why did some Republicans support the defunding strategy while others did not? The obvious answer is that those who agreed with the letters or the final compromise supported them and those who did not declined. While this is a naive approach, it hints at an important warning: researchers should not presume to be able to answer definitely why politicians act as they do. Decisions such as whether to vote for the reopening of the government or not are influenced by numerous and various factors, the majority of which are beyond the access of researchers. Some politicians may voice out their rationales, but even then there are no guarantees to the veracity of their claims. In short, achieving definite and final understanding of politicians' motives is impossible.

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<sup>152</sup> The Washington Post 18.9.2013, The Morning Plum: Are Dems turning on Obama? Yes. Does it matter? Not much.

<sup>153</sup> Senator Inhofe, who signed the Lee letter, but was absent from the vote is again excluded from the count, as is Representative C.W. Bill Young, who did not sign the Meadows letter.

<sup>154</sup> A full rundown of who voted for what and signed what letters is available in the Appendix at the end of this thesis.

This is not to say that nothing can be learned, however. There were 358 Congressional Republicans involved in the broader government shutdown battle of 2013. A closer look at their signatures in the letters and votes in Congress *does* reveal patterns and these patterns are important. As long as no deterministic power is assigned to these patterns, they can help us better understand the Congressional Republican caucus and the divisions inside it.

One good example of looking for these patterns is an article in the New Yorker by Ryan Lizza<sup>155</sup>, where drawing on the work of Cook Political Report's analyst David Wasserman, he looks at the geographical dispersion of the signatories of the Meadows letter, as well a few other variables such as the racial composition of the voters in their districts. A full half of the signatories for the Meadows letter hail from Southern states and quarter from Midwestern states, whereas the racial composition of an average signatory district is 75% white. Such analysis is useful indeed, but more is needed.<sup>156</sup>

These are then the questions to which answers are sought next: did the different factions that emerged during the shutdown differ in seniority? Did the Republicans with experience of earlier shutdowns behave differently in 2013 than those who had no such experience? What was the role of the Tea Party? What about ideology in a broader sense? And finally, were there differences in behavior between members of Congress from safe districts and in states that lean reliably towards the Republicans on the one hand and members in swing states and in heavily contested districts on the other?

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155 While Lizza's article is illuminating in its analysis of the signatories of the Meadows letter, it does also underline by many of its word choices why studying the variables behind the behaviour of politicians should not be left solely to journalists. A telling example is Lizza's choice, perhaps channeling Devin Nunes, of calling the signatories of the Meadows letter the "suicide caucus".

156 The New Yorker, Where the G.O.P's Suicide Caucus Lives.

### 3.1. Seniority and experience of previous shutdowns

*"One of my favorite old Kentucky sayings is there's no education in the second kick of a mule. The first kick of a mule was when we shut the government down in the mid-1990s and the second kick was over the last 16 days."*

Senate Minority Leader Mitch McConnell, dismissing the idea of future shutdowns.<sup>157</sup>

John Boehner had recently ascended to the position of Chairman of the Republican Conference Committee, the fourth-highest post in the House leadership, when the Speaker of the House Newt Gingrich led the party into the twin government shutdowns of 1995 and 1996. Those shutdowns, just like the one in 2013, were calamitous for the Republicans. They started a downward spiral in Gingrich's fortunes – and by extension those of Boehner, who was linked to Gingrich by the virtue of his title. Gingrich stepped down after an electoral defeat in the 1998 midterms; Boehner was ousted in a private-ballot vote soon after and replaced J.C. Watts. That the man who was so central to the 2013 government shutdown suffered the biggest political defeat of his career due to circumstances closely linked to the previous two shutdowns is remarkable. It must have given Boehner quite the perspective in 2013.<sup>158</sup>

He was not alone in this. There were 14 Senators and 36 members of the House who had been in Congress at the time of the Clinton-era shutdowns. Some had already been in politics during the earlier shutdowns: 8 Senators and 13 members of the House had witnessed some or all of the Reagan-era shutdowns, while 4 Senators and 4 members of the House had participated in pre-Civiletti shutdowns during Jimmy Carter's presidency.<sup>159</sup>

Four veteran lawmakers have actually been involved in all the government shutdowns in the history of the United States. These are Congressman Don Young of Alaska, Congressman C.W. Bill Young of Florida, Senator Thad Cochran of Mississippi and Senator Charles Grassley of Iowa. Neither Cochran nor Don Young had signed the Lee or Meadows letter, and they both voted for the

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157 The Hill 17.10.2013, GOP's McConnell promises no more shutdowns over ObamaCare.

158 Grant 2004, 53;

Politico Magazine Jan/Feb 2015, The Prisoner of Capitol Hill;

The Washington Post Magazine 19.5.2011, Is the biggest threat to Speaker of the House John Boehner the 'Young Guns' in his own party?

159 A detailed list of the members' seniority is included in the Appendix at the end of this thesis. Since members of Congress are sworn in in the beginning of January, and since the 2013 shutdown occurred only two and a half months before the end of the year, the career-length numbers in here and in the Appendix are rounded up to the next full year. The information about the career-lengths of the politicians used throughout this sub-chapter are from: Biographical Directory of the United States Congress: 1774 – present.

compromise to reopen government. Grassley on the other hand had signed the letter and voted against the final compromise. C.W. Bill Young had not signed the letter, but was absent during the final vote and died two days later.

There was yet one lawmaker whose career was arguably more influenced by government shutdowns than even the four veterans of all the shutdowns. This was Representative Steve Stockman of Texas – best known nationally for his "If babies had guns they wouldn't be aborted" campaign bumper stickers – who first joined the House just in time for the Clinton-era shutdowns and lost his seat to a Democrat in the ensuing backlash. Stockman then tried several times to get back to Congress, only to succeed in 2012, just in time for the 2013 shutdown. Following the reopening of government Stockman announced that he would give up his seat in the House to try to capture Texas Senator John Cornyn's seat. A large part of Stockman's rationale for risking his seat in the House was that Cornyn had taken too soft a stance during the shutdown and thus had to go. Cornyn was later re-elected.<sup>160</sup>

The veterans of earlier shutdowns were divided over the 2013 shutdown. Nine veteran Senators voted in favor of reopening the government, while four opposed it. In the House 18 members voted for the compromise and 17 voted against it. On the side of the "no" vote, three Senators had signed the Lee letter, while 7 Representatives had signed the Meadows letter. Only Representative Howard Coble of North Carolina had signed the Meadows letter and still voted for the final compromise, though Senator Roger Wicker of Mississippi had initially supported the Lee letter before withdrawing his signature.

Despite the fact that the veterans of earlier shutdowns were not united in their approach to the 2013 shutdown, they were still more likely to support the final compromise to reopen government than those members that did not have experience of earlier shutdowns. In the House of Representatives about 51% of the veterans voted in favor of the compromise and 49% against it, while those without shutdown experience split their vote 35% in favor and 65% against. In the Senate, 70% of the veterans supported the bill and 30% opposed it, while those without shutdown experience voted 56% in favor and 44% against the bill.

Looking at the divisions in the signatures and the final vote also reveals differences in seniority among Congressional Republicans. The average time spent in Congress at the end of 2013 was 15.3

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<sup>160</sup> Politico Magazine 20.12.2013, Steve Stockman Can't Lose.

years for the Senators who voted for the final compromise, 12.6 years for those who voted against it, 10.2 years for Representatives who voted for it and 8.1 years for those Representatives who did not. On average then, the supporters of the compromise had over two years of seniority compared to those who opposed the bill. There is a similar pattern in regards to the defunding letters. Signatories had served on average 12 years in the Senate and 7.1 years in the House, while those who declined to sign had at the end of 2013 had a career of 16.1 years in the Senate and 9.8 years in the House on average.

An aggressive political stance towards defunding Obamacare and the government shutdown that ensued can therefore be said to correlate inversely with members' seniority. It is not the only attribute that behaves like that: another is the next factor to be considered – affiliation with the Tea Party movement<sup>161</sup>.

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161 Gervais & Morris 2015, 21.

### 3.2. The role of the Tea Party

*"It's exactly what we wanted, and we got it."*

Representative Michele Bachmann, on the adoption of the defunding strategy.<sup>162</sup>

So was Nancy Pelosi right? Was the 2013 government shutdown a "Tea Party shutdown"? That the shutdown happened over a law that was and is anathema to the movement is not in itself enough to justify Pelosi's sentiment, as the Tea Party does not have a Republican monopoly over hatred of Obamacare. On the other hand, the events that led to the shutdown were in many respects put in motion by three central Tea Party politicians Meadows, Lee and Cruz. Likewise the grassroots activists did have an important part in drumming up support for the defunding strategy, as did many conservative advocacy organizations like Heritage Foundation and FreedomWorks that have in recent years been closely associated with the Tea Party movement. But what of the Tea Partiers in Congress?

For one thing they voted overwhelmingly against the bill to reopen government. In the House only eight out of sixty-six Tea Partiers voted yes in the final vote. The Meadows letter too was well received by Tea Party affiliated Representatives: 48 members had signed the letter, while 18 had not. Six of those who declined voted for the final compromise. The House Tea Partiers as a whole can therefore be said to have adopted a more aggressive shutdown stance than their compatriots. Meanwhile in the Senate, the only high-profile Tea Party supporter to not to sign the Lee letter and not to vote against the compromise was Jerry Moran of Kansas.

Still, besides ushering in the defunding strategy and opposing the final compromise that ended it, the Tea Party members of Congress could do very little once it became clear that the Democrats did not cave in under the threat of a shutdown. Valiantly the politicians and the grassroots activists both kept to their talking points. The Tea Party Patriots had in September produced a guide called Defunding Obamacare Toolkit for Activists, which had a section with possible responses to media about the shutdown. One question read "What happens when you shut down the government and you are blamed for it?", for which one of the three premade answers was "If Congress is willing to defund this terrible law and stand up for the American people, the American people will support them".<sup>163</sup> But no reprise of the mobilization that followed Santelli's Tea Party launching 2009 rant

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<sup>162</sup> The Washington Post 28.9.2013, On cusp of shutdown, House conservatives excited, say they are doing the right thing.

<sup>163</sup> Tea Party Patriots 2013, 11.

happened.

The sole exception, limited in scale as though it was, was an event in Washington DC on October 13 called the Million Vet March on the Memorials<sup>164</sup>. The image of elderly war veterans trying and failing to access war memorials closed by the shutdown had given the Republicans some of their best shutdown related PR victories already on the first day of the crisis. On that occasion a handful of Republicans, including Tea Partiers such as Louie Gohmert of Texas and Michele Bachmann, had rushed to the scene and helped the veterans to access the memorials. The Million Vet March was an attempt to capitalize on that image.<sup>165</sup>

The four-hour long Million Vet March drew in thousands of protestors and featured several speeches by Tea Party politicians. Ted Cruz, Mike Lee, Steve Stockman and Sarah Palin all spoke and criticized the shutting down of the memorials. "Our veterans should be above politics," Cruz said and pointed out that the Republicans had tried to open the monuments as a part of their piecemeal approach, which had been blocked by the Democrats. While the participants of the Million Vet March were passionate enough – some barricades were damaged and deposited at the White House gates – one march in Washington DC was hardly the popular uprising against Obamacare that the Tea Partiers had hoped for.<sup>166</sup>

In the final analysis then, there is some truth to Pelosi's statement. Though there is danger in speculation, it could be argued that the 2013 government shutdown might not have happened were it not for the Tea Party. Tea Party affiliated politicians, Cruz, Lee and Meadows in particular, were central proponents of the defunding strategy. Also, the pressure put on Speaker Boehner's leadership team from 2010 to 2013 by the Tea Partiers in the House must have contributed to Boehner's decision to not to seek a "clean" Continuing Resolution at the eve of the shutdown. On the other hand, it is important to note that while the Tea Partiers might have had an important role in ushering in the shutdown, once it started they had very little control over the events leading up to the final compromise and Republican surrender. Thus the shutdown can neither be understood without the Tea Party, nor by looking at it alone.

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164 The Million Vet March website.

165 NYT 1.10.2013, After Being Denied Access, Veterans' Group Allowed to Tour Memorial.

166 CNN 13.10.2013, Rallier tells Obama to 'put the Quran down';

CBS DC 13.10.2013, 'Million Vet March' Storms D.C. Memorials.

### 3.3. The role of ideology

*"Because we're right, simply because we're right. We can recover from a political squabble, but we can never recover from Obamacare."*

Representative Steve King, on the rationale for the shutdown.<sup>167</sup>

It is also worthwhile to consider more broadly the impact of ideology on the behavior of Congressional Republicans during the 2013 government shutdown. There are several useful ways to assess and compare members' ideology. Among the most popular ones is DW-NOMINATE, a method created by political scientists Keith T. Poole and Howard Rosenthal. The mechanics behind the method are very complex, but the underlying assumption that produces the results is easy enough to understand: the methodology assumes that the most liberal member of Congress votes most often like the second-most liberal member, second-most often with the third-most liberal member and so forth. The same of course goes for conservatives. The score produced by DW-NOMINATE ranges from the liberal maximum of -1.0 to moderate 0.0 and to the conservative maximum of 1.0. The ideological drift over time of consecutive Congresses means that DW-NOMINATE scores should probably not be compared over time, but for assessing the ideology of a single Congress, like the 113<sup>th</sup>, it is a powerful tool. All the Common Space DW-NOMINATE scores used in this thesis are from the [voteview.com](http://voteview.com) website that is run by Keith T. Poole<sup>168</sup>.<sup>169</sup>

The assignment of numerical values to how members of Congress vote is also popular among various pressure groups and advocacy organizations, especially on the conservative side. Among the more influential scorekeepers is Heritage Action, Heritage Foundation's political arm, which was very active in promoting and supporting the strategy of defunding Obamacare through 2013. Unlike DW-NOMINATE, which forms its score from all the votes cast in Congress, the Heritage Action scorecard is updated based on the members' votes and co-sponsorship of bills in selected key conservative policy areas. The scores range from the liberal extreme of 0% to the conservative extreme of 100%. All the Heritage Action scorecard values used in this thesis are from the Heritage Action scorecard website<sup>170</sup>.<sup>171</sup>

When it comes to the vote for the bill that ended the 2013 government shutdown, the hardliners

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167 NYT 1.10.2013, Conservatives With a Cause: 'We're Right'.

168 The [voteview.com](http://voteview.com) website.

169 Trende 2012, xxx–xxxi.

170 Heritage Action Scorecard page.

171 Heritage Action Scorecard methodology page.

were, unsurprisingly, significantly more conservative in general than those Republicans that voted for the bill. The yes-votes in the House had an average Heritage Action score of 47.9% and an average DW-NOMINATE score of 0.397, whereas the no-voters had an average Heritage Action score of 70% and an average DW-NOMINATE score of 0.601. The results in the Senate are similar. Those who voted for the bill had an average Heritage Action score of 50.8% and an average DW-NOMINATE score of 0.397, while those who voted against the bill had an average Heritage Action score of 80.7% and an average DW-NOMINATE score of 0.628.

Despite the fact that the House Republicans who voted against the reopening the government can be said to be significantly more conservative than those who voted for it, the 144 no-voters should not be thought as a totally homogenous block. There were, in fact, included in that count several Representatives who had not signed the Meadows letter and who had moderate scores according to the DW-NOMINATE scale and the Heritage Action scoreboard both. There were, for example, 18 such Representatives who had a DW-NOMINATE score lower than 0.500 and a Heritage Action score lower than 70%. Ideologically these politicians have therefore more in common with the Republicans who voted for the final compromise than with those who voted against it. There could be many explanations for such behavior. Perhaps these members were trying to bulk up their conservative credentials? The flipside of such an argument, of course, would be that the "real" fire-in-their-belly defunders are even more conservative than the above average ideology scores indicate.

As for the Tea Party, since the movement's grassroots activists really are significantly more conservative than today's "mainstream" Republican supporters, it comes as no surprise that the Tea Party politicians in Congress represent the most conservative wing of the party, even when compared to all the members that voted against the bill to reopen government. The House Tea Partiers had an average Heritage Action score of 73.6% and an average DW-NOMINATE score of 0.631.

Conversely, the 25 Representatives who during the shutdown publicly supported the passing of a "clean" Continuing Resolution were some of the most moderate or centrist Republicans in the party's caucus. Their average Heritage Action score was 45.6% and their average DW-NOMINATE score was 0.343. Charlie Dent, for instance, is the thirteenth-most moderate Republican in the House when measured by DW-NOMINATE. Looking in the same way at some of the other very vocal critics of the defunding strategy reveals that Michael Grimm of New York is the fourth-most

moderate House Republican, while Peter T. King from the same state ranks at number eighteen. Devin Nunes, the California Republican who delighted reporters by his "lemmings with suicide vests" analogy only ranks at number 107. In fact, Nunes was one of the five Representatives who walked back from comments supporting a "clean" Continuing Resolution<sup>172</sup>.

In a similar vein, of the three Republican Senators who created the blueprint for the eventual compromise, especially Susan Collins and Lisa Murkowski have very centrist voting records when compared to many of their colleagues. The DW-NOMINATE and Heritage Action scores of Collins, Murkowski and Kelly Ayotte are 0.088 and 22%, 0.192 and 23% as well as 0.368 and 48% respectively. This actually makes Collins the most moderate Republican Senator in the Senate, while Murkowski takes the second place and Ayotte comes in ninth.

These results are mirrored by the ideology scores of the leading defunders. Mike Lee was the most conservative Senator of the 113<sup>th</sup> Senate on both counts, while Ted Cruz came in second according to the Heritage Action scorecard and fourth according to DW-NOMINATE.

Overall these ideology scores prove that there were no significant departures from prior behavior by the members of Congress during the 2013 government shutdown. The more conservative a Republican was, the more likely he or she was to adopt an aggressive stance in regards to the shutdown. That the defunding cause was led by the most conservative Senator of them all, while the compromise that ended the showdown was engineered by the most moderate one can hardly be a coincidence.

Ideology is not the only factor influencing the behavior of politicians however. There are political realities that must be taken into account, and chief among them is how voters back home might react to choices made in Washington. These reactions – and the two different kinds of elections in which they manifest – must next be looked at.

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<sup>172</sup> The Huffington Post 1.10.2013, Here's A Tally Of Which House Republicans Are Ready To Fund The Government, No Strings Attached.

### 3.4. The role of district safety for incumbents

*"My job is to beat him. And if we don't, I don't know how he wins in November when he's divided his own party as much as he has."*

Mitch McConnell's primary challenger Matt Bevin, on their contest.<sup>173</sup>

The shutdown conundrum faced by Mitch McConnell in 2013 is emblematic of the kind of a choice that many Congressional Republicans have increasingly had to make: McConnell had to choose which he feared the most, attacks from the left in the general election or attacks from the right during the primary election. Both were surely coming in 2014 and many of those attacks were sure to cite his actions during the shutdown. Though McConnell has not articulated his motives, his central role in negotiating the Republicans' surrender at least indicates that if he was in fact afraid of Matt Bevin, he did not let that fear dictate his actions.

Not all Congressional Republicans can afford to be so brazen. The ever-advancing political polarization of American politics coupled with the prevalence of highly gerrymandered districts means that for many members of Congress, on both sides of the aisle, McConnell's conundrum is no conundrum at all: for them the only real challengers only ever emerge in primary elections. The rise of the Tea Party and its quest for ideological purging of the Republican party has made the political choices associated with this phenomenon especially pertinent for Republican officeholders.

There are many ways of assessing the degree to which Congressional districts favor one party or the other. One of the most popular, and the one used in this thesis, is the Partisan Voting Index popularized by Charlie Cook. The Partisan Voting Index is calculated by comparing a district's average of vote split from the two latest presidential elections to the nation's average vote split in the same two elections. McConnell's home state Kentucky, for example, had a Partisan Voting Index of R+13 in 2014, meaning that the state has a very Republican leaning and voted thirteen percentage points more in favor of the Republicans than Americans on average. Partisan Voting Index can also be calculated for all the House districts of the 113<sup>th</sup> Congress. John Boehner's Ohio district for instance has a Partisan Voting Index of R+15. Members in districts as favorable to Republicans as that of Boehner can reasonably be thought to also be those where the danger of a primary challenger is more serious than that posed by a general election opponent of the other party. All the Partisan Voting Index values used in this thesis are from the Cook Political Report's Partisan

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<sup>173</sup> ABC News 20.5.2014, McConnell Challenger Says Nasty Primary Could Result in November Loss.

Voting Index state by state<sup>174</sup> and district by district lists<sup>175</sup>.

In the House the members who voted for the October 16 compromise were from districts that had an average Partisan Voting Index of R+7.7. For those who voted against the measure the average value was R+13.1. This is not very surprising. It means that the opponents of the bill that ended the shutdown came from districts where the constituents leaned 5.4 percentage points more towards the Republicans than in the districts that were represented by Republicans who supported the final compromise. It not an unreasonable assumption that such districts might more easily produce primary challengers armed with accusations about softness during the shutdown. And since it is almost inconceivable that a Democrat might win such a district, adopting a strict stance during the shutdown has no real electoral disadvantages.

The 25 public supporters of a "clean" Continuing Resolution on the other hand had an average Partisan Voting Index of only R+4.3. In such districts a hard line during the shutdown might be construed as dangerous brinkmanship and thus carry a real political penalty. In fact, eight of the twenty-five supporters of a "clean" Continuing Resolution came from districts that had actually given more votes to President Obama than Mitt Romney.

In the Senate the supporters of the final compromise came from states that had favored Mitt Romney and John McCain by 7.7 percentage points more than Americans on average, while the Partisan Voting Index of the deal's opponents was on average R+10.4. While it is true that Senators only have to worry about primary challengers every six years as opposed to members of the House of Representatives whose bi-annual elections ensure that the danger is constant, Lisa Murkowski's 2010 experience in Alaska alone proves that such worries are not always baseless. Incidentally, Alaska's Partisan Voting Index is R+12 – a comfortable margin, but still a far cry from the likes of Mike Lee's Utah, where the number stands at R+22.

For a Republican incumbent, the safety of his or her district can then be said to have some explanatory power in regards to the 2013 government shutdown, especially on the side of the House of Representatives. Such safety can be thought to isolate the politicians from lasting damage in the inevitable aftermath that follows political confrontations as dramatic as the 2013 shutdown.

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174 The Cook Political Report 2014.

175 The Cook Political Report 2013.

#### 4. The aftermath and consequences of the shutdown

*"This has been a very bad two weeks for the Republican brand. For the party, this is a moment of self-evaluation. Either we are going to assess how we got here and try to self-correct, or, if we continue down this path, we are really going to hurt the Republican Party long term."*

Senator Lindsey Graham, on the shutdown's effect on the Republican Party.<sup>176</sup>

As the furloughed federal employees reported back to work on Thursday morning of October 17, the blame game was already in full swing. The shutdown strategy had failed, and now the focus of the power struggles among Congressional Republicans shifted to determining who would get to define why the loss occurred and what it should mean for the future. Former Senator and the President of the Heritage Foundation Jim DeMint set the tone for these debates with his October 18 op-ed in the Wall Street Journal titled "We Won't Back Down on ObamaCare", where he sought to pre-empt criticism by explaining his organization's role in promoting the defunding strategy and to debunk the idea that the results of the 2012 presidential elections meant that Republicans should stop opposing the healthcare law. DeMint pledged to keep on fighting and extolled "the courageous leadership of people like Sens. Ted Cruz and Mike Lee".<sup>177</sup> Many other Republicans also scrambled to get out their views. The crisis was dramatic enough to make some kind of political fallout likely, but as the last shutdown was seventeen years in the past, nobody could be quite sure about what the ramifications of the crisis would end up having this time around.

Some of the immediate consequences of the shutdown for Republicans were quite obvious. For example, the special election that was held in New Jersey on October 16 to fill the Senate seat of the Democrat Frank Lautenberg, who had died in June, was reframed by the media and both parties as a wider referendum on the shutdown. Following the death of Lautenberg, the Republican Governor Chris Christie had appointed Jeff Chiesa to fill the empty seat until the special election. In the Senate, Chiesa had been ideologically the most liberal Republican Senator to sign the Lee letter (DW-NOMINATE: 0.251; Heritage Action score 32%), but he also voted in favor of ending the shutdown on the very day of the special election. Running to replace Chiesa were a rising Democratic star and two-term Mayor of Newark Cory Booker and a former Republican Mayor of Bogota Steve Lonegan.<sup>178</sup>

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176 WSJ 17.10.2013, Congress Passes a Debt Bill – White House Tells Furloughed Employees to Return to Work Thursday; Treasury Default Is Staved Off.

177 WSJ 18.10.2013, We Won't Back Down on ObamaCare.

178 WSJ 16.10.2013, Booker's Lead Narrows at End of New Jersey Senate Race; CNN 16.10.2013, Shutdown key issue in special Senate election.

Booker attacked Lonegan repeatedly for his public support of the shutdown strategy. The race ended in a resounding 11% margin victory for Booker. Lonegan, however, was of the opinion that victory had been possible before the shutdown, and that he had had enormous momentum on his side. "There is no doubt in my mind or in the minds of any of my campaign staff that the shutdown cost me the election," Lonegan said afterwards, citing promising internal polling numbers. Lonegan also criticized strongly the shutdown strategy, which he apparently had earlier supported publicly only out of party loyalty. The wide margin of Booker's victory casts doubt on Lonegan's claims, but it is true that the special election really did become a referendum on the shutdown, in the media at least, and that some of public polling showing Booker leading with a large margin even before the shutdown did have a larger than usual margin of error due to the race being a special election with a high probability of a very low voter turnout. It can be argued, then, that whatever chances Lonegan had were ruined by the shutdown. It is possible imagine a contra-factual situation where instead of Lonegan being tied to the shutdown, Booker would in its absence have been associated with the problematic rollout of the healthcare reform.<sup>179</sup>

The shutdown also seems to have had an impact on the Virginian gubernatorial race, which saw much of the campaigning for the November 5 election happen during the shutdown and its immediate aftermath. Due to a state law prohibiting Governors from serving consecutive terms, neither the Republican candidate and Attorney General Ken Cuccinelli nor the Democratic candidate and former Democratic National Committee Chairman Terry McAuliffe ran as the incumbent. Early polling conducted in the summer showed a tight race with McAuliffe having a small lead, which, following a short-lived September spike, then expanded to a comfortable lead during and after the shutdown<sup>180</sup>. The Christopher Newport University undertook polling on October 8–13, in which the respondents were asked if they blamed either candidate for the shutdown, and if so, which one. The share of people blaming either candidate was only 13%, but out of those who named responsible parties 47% put the blame on Cuccinelli, compared to 7% for McAuliffe.<sup>181</sup> It is uncertain if the shutdown alone explains the fact that Cuccinelli, who sought to disassociate himself from the crisis, ended up losing the race, but the result was only a narrow victory of 2.5% for McAuliffe<sup>182</sup>, and many Republican operators certainly think the shutdown hurt

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179 WSJ 15.10.2013, Turning out New Jersey – Booker, Lonegan in Final Push to Get Voters to Polls for Senate Special Election;

Nj.com 15.10.2013, Cory Booker: A vote for Lonegan is a vote for shutdown;

Nj.com 21.10.2013, Lonegan: The government shutdown cost me the election.

180 RealClearPolitics polling averages page for the 2013 Virginia gubernatorial race.

181 CNN 15.10.2013, Poll: Shutdown affecting race for Virginia governor.

182 Virginia Department of Elections results page for the 2013 gubernatorial election.

the Republican chances in the race<sup>183</sup>.

There is danger, however, in overtly simplistic explanations where subsequent events are explained solely or even mostly by the shutdown. The sixteen-day long crisis was an important, dramatic and even historic period of time, and significant political and electoral impacts did certainly follow in its wake. These alterations to the political climate did not happen in a vacuum, however, and thus in the final analysis it is impossible to separate these impacts from other relevant factors. This difficulty becomes even more pronounced when looking at events that took place not days or weeks but months and years after the shutdown. One may speak of the shutdown's aftermath, but defining exactly when it ended is essentially impossible. This does not mean that the shutdown's aftermath should not be studied – only that a certain degree of uncertainty must again be embraced.

What follows, then, is a look at how the shutdown affected the balance of power within the Congressional Republican caucus. In seeking to determine who were the winners and who the losers of the shutdown, emphasis is put on the first few weeks after the shutdown and those politicians who due to their positions in the party as well as their actions were most visible in the national media coverage of the crisis. The effects of the shutdown kept on reverberating beyond 2013, however, and in several instances it is necessary venture as far into the future as 2015 whilst keeping in mind the inescapable methodological problems mentioned above.

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183 NYT 3.10.2013, Fallout for G.O.P. Candidate Where Shutdown Pain Is Acute.

#### 4.1. The shutdown's effect on the Republican Congressional leadership

*"All the rock throwers have come to the conclusion that he's got a really hard job; that's what the shutdown did for John. [...] But now I think there's a decent chance some of these people, especially the new ones, are going to give him the support he needs."*

Representative Mike Rogers, on the shutdown's effect on Boehner's leadership.<sup>184</sup>

For sixteen days the Republican Congressional leaders had been engaged in a very difficult balancing act, trying to manage the public opinion all the while negotiating with the Democrats and trying to keep the various factions within their own ranks from staging coups or rebellions. Insofar the period covering the shutdown itself is concerned, they were largely successful. They also remained largely united amongst themselves, despite the fact that there were at times competing negotiations between the White House and the House of Representatives on the one hand, and the White House and the Senate on the other. Speaker Boehner, Minority Leader McConnell, House Majority Leader Cantor and House Majority Whip Kevin McCarthy of California all voted in favor of the final compromise. In fact, the only high-profile Republican outside the defunders themselves to vote against the measure was Paul Ryan, who opposed the deal because it did not do enough to address the country's structural deficit. "We're just kicking the can down the road," Ryan said.<sup>185</sup>

Boehner himself, who throughout his tenure as Speaker had had a stormy relationship with many of the younger and more aggressive Tea Party orientated members of his caucus, probably solidified his position after the shutdown, at least for a while. When he gathered his caucus together as the Senate set out to vote for the final compromise he was met by a standing ovation from his colleagues. Though the deal had been fiercely opposed by many House Republicans any ideas of revenge on Boehner were quickly dispelled. "There is absolutely no talk" of ousting Boehner assured Jim Jordan of Ohio, a very conservative Tea Party defunder.<sup>186</sup>

Several other hardliners were equally quick to praise Boehner. Representative Raúl Labrador of Idaho, who had been one of twelve<sup>187</sup> House Republicans who did not vote for Boehner in a January

<sup>184</sup> Politico Magazine Jan/Feb 2015, The Prisoner of Capitol Hill.

<sup>185</sup> WSJ 17.10.2013, Congress Passes Debt Bill – White House Tells Furloughed Employees to Return to Work Thursday; Treasury Default Is Staved Off.

<sup>186</sup> WSJ 17.10.2013, Budget Battle: House Conservatives Gird for Next Fights;  
WSJ 17.10.2013, Congress Passes Debt Bill – White House Tells Furloughed Employees to Return to Work Thursday; Treasury Default Is Staved Off.

<sup>187</sup> The following Republicans did not vote for Boehner in 2013: Jim Bridestine of Oklahoma, Steve Peace of New Mexico, Ted Yoho of Florida, Paul Broun of Georgia, Louie Gohmert of Texas, Justin Amash of Michigan, Tim Huelskamp of Kansas, Walter Jones of North Carolina, Tom Massie of Kentucky, Steve Stockman of Texas, Raúl

leadership vote, said he was "really proud" of Boehner's handling of the crisis, and then added "I'm more upset with my Republican conference, to be honest with you"<sup>188</sup>. The fact that Boehner had accommodated the defunders against his personal political instincts was not lost to or unappreciated by the defunders. Representative John Fleming of Louisiana said "We know he tends not to want to pursue tough battles. I think he's migrated towards us. We are appreciative of that."<sup>189</sup>

While the gratitude of the defunders might have made Boehner's job easier – for a while at least – he was not equally impressed with their efforts during the shutdown. Boehner made his views explicit in December during one of his weekly legislative press briefings. Tea Party affiliated outside groups had just attacked the modest results of a deal made by Paul Ryan and his Democratic counterpart Senator Patty Murray in the budget talks mandated by the shutdown-ending deal. Boehner, who in his own words does not "do anger"<sup>190</sup>, did not have many kind words in response to these criticisms.<sup>191</sup>

The whole nine minutes long briefing is very interesting, but the portion about the shutdown is especially illuminating and worth quoting here in its entirety:

*Question: Some of these [Tea Party aligned outside] groups are "using your members, using the American people." What do you mean by that?*

*Boehner: Well, frankly, I think they are misleading their followers. I think they are pushing our members in places where they don't want to be. And frankly, I just think that they have lost all credibility. You know, when they pushed us into this fight to defund Obamacare and to shut down the government. Most of you know, my members know, that wasn't exactly the strategy I had in mind. But if you recall, the day before the government reopens, one of the people, one of these groups stood up and said "well we never really thought it would work..." – ARE YOU KIDDING ME??"<sup>192</sup>*

As angry as Boehner may still have been at the defunders, the fact remains that he managed to navigate the cross-pressures of the shutdown very well. Under intense media scrutiny, he had

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Labrador of Idaho and Rick Mulvaney of South Carolina.(The Washington Post 3.1.2013, Who voted against Boehner for speaker and why?)

188 NYT 17.10.2013, Shutdown Is Over.

189 NYT 17.10.2013, Hands Empty but Spirit Unbowed, House Republicans Take Stock.

190 Politico Magazine Jan/Feb 2015, The Prisoner of Capitol Hill.

191 NPR 12.12.2013, Boehner Blasts Tea Party Groups Over Budget Deal Criticism.

192 C-SPAN video of Boehner's weekly legislative briefing, 12.12.2013.

contributed to keeping the different factions of the Republican caucus from staging outright rebellions or letting the country default. The fact that Boehner managed to do all this without coming close to losing his job as the Speaker is even more remarkable. His personal favorability rating did fall to 27% as a result of the shutdown, but it can be argued that this was inevitable for somebody in his position, and in any case, his favourability rating did rise back to its pre-shutdown level of 31% by April, 2014<sup>193</sup>. The visible end result for him, then, was temporary breathing space from the kinds of challenges from his own members to his leadership that had come to characterize his reign as Speaker. In retrospect, though, for Boeher, both this post-shutdown calm period and his remaining time as Speaker would end up being shorter than many expected.

The Senate Minority Leader Mitch McConnell, on the other hand, emerged from the shutdown with his political fortunes and political capital both largely unchanged. While many Republicans in the House griped publicly about the Senate's "surrender", no such criticism was heard from his colleagues in the Senate. McConnell's junior colleague and Tea Party darling Kentucky Senator Rand Paul, who had been an early proponent of the shutdown strategy, even went on record to defend McConnell's handing of the negotiations, saying that "in a difficult situation, he did a good job of trying to get the government open again," and adding that Kentucky was "fortunate to have Senator McConnell as a leader up there"<sup>194</sup>.

As expected, McConnell's re-election campaign in Kentucky itself featured several attacks over his role in the government shutdown. His Republican primary challenger Matt Bevin had initially been a vocal supporter of the defunding strategy, calling McConnell's September reluctance to support the defunders a "total surrender" and saying it showed him as being "unfit to lead". Two days after the shutdown ended, the Senate Conservatives Fund piled on, giving Bevin their endorsement and support<sup>195</sup>. As the race went on, however, Bevin performed a curious turnaround and started attacking McConnell for allowing the shutdown to happen in the first place. In this Bevin's talking points were almost identical to the Democratic Senate candidate Alison Lundergan Grimes, whose attack ad proclaimed that "Mitch McConnell can't light the house on fire and then take credit for putting it out"<sup>196</sup>.<sup>197</sup>

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193 Gallup poll 26.2.2014, Boehner's Favorability Returns to Pre-Shutdown Levels.

194 CN-2 video segment of an interview of Senator Rand Paul on Majority Leader Mitch McConnell and the shutdown, 18.10.2013.

195 The Hill 18.10.2013, McConnell challenger nabs big endorsement.

196 ABC News 3.12.2013, McConnell Challenger, Matt Bevin, Scoffs at Chamber of Commerce Ad.

197 Talking Points Memo 10.9.2013, McConnell Opponent Matt Bevin Accuses GOP Of 'Absolute Surrender' On Obamacare;

Talking Points Memo 17.1.2014, McConnell Challenger Matt Bevin Now Says Shutdowns Are Bad.

Perhaps Bevin was trying to pivot to more centrist position in preparation for the general election. If so, it was to be in vain, since McConnell went on to win the primary elections in May of 2014 with a 60.2% share of the vote. Alison Lundergan Grimes did not fare much better in November: she only got 40.7% of the votes compared to McConnell's 56.2%. This also meant that McConnell became the Senate Majority Leader for the 114<sup>th</sup> Congress.<sup>198</sup>

It is worth noting, as a final Kentucky side note, that Matt Bevin did not give up on politics. He staged a surprise comeback in 2015, running for Governor on an anti-establishment platform that had as its central message vehement opposition to Obamacare, which in Kentucky – one of the few red states where it was adopted at all – was called Kynect<sup>199</sup>. Bevin defeated his Democratic challenger Jack Conway in the November 2015 elections with a vote share of 53% and became the Governor. Many Republican strategists have taken this to mean that opposition of Obamacare still remains a viable election strategy in the future.<sup>200</sup>

As far as the Congressional Republican leadership team is concerned, the most surprising, if delayed, effect of the 2013 shutdown might arguably be its contribution to the unexpected political demise of Majority Leader Eric Cantor in the summer of 2014. It bears repeating that attributing Cantor's downfall solely to the shutdown is almost certainly too simplistic an approach: Cantor's adviser John Murray called the event "death by a thousand cuts", and one of them – Cantor's pragmatic stance on immigration, which was ruthlessly attacked by his opponent – was arguably more damaging than his role in the 2013 government shutdown. Nevertheless, the shutdown may have played an important role in Cantor's primary defeat, and since the defeat had important repercussions to others in the Republican Congressional leadership team in the shutdown's wake, it is worthwhile to briefly assess the connection between the two events.<sup>201</sup>

In order to become the Republican candidate for Virginia's 7<sup>th</sup> District for the House of Representatives and to gain a chance to get re-elected for his eighth term in the House, Cantor had to beat a virtually unknown economy professor called Dave Brat. While Cantor had raised 5.4 million dollars for his re-election war chest, Brat only had 200,000 dollars at his disposal. Other signs also pointed to a one-sided race favoring Cantor: he had national name recognition, he held the second-highest position in the Congressional leadership team and could allude to open speculation about

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198 Politico election results page for 2014 statewide Kentucky elections.

199 Brill 2015, loc 3340–3350. (Chapter 13)

200 The Wall Street Journal 3.11.2015, Republican Matt Bevin Wins Kentucky Governor's Race.

201 FiveThirtyEight 20.6.2014, What We Can Learn From Eric Cantor's Defeat;

University of Virginia Center for Politics Sabato's Crystal Ball 12.6.2014, Cantor's fall.

succeeding Boehner in the near future. Brat had the support of the conservative radio host Laura Ingraham and some local Tea Party groups, but little else. And still, when the votes were counted on June 10, 2014, Brat defeated Cantor by a wide margin of 55.5% to 44.5%.<sup>202</sup>

The shutdown might have been especially damaging for Cantor owing to reasons pertaining both to his own role in the events as well as its oversized impact on Virginia. The last minute rule change that made Cantor the only Representative with the power to initiate a vote on a clean Continuing Resolution, which was intended to stave off moderate rebellion, meant that he became personally associated with the Republican shutdown goals and the subsequent failure to reach them. He was likewise personally associated with the failed approach of opening pieces of the government in a piecemeal fashion. Due to its high number of federal employees the state of Virginia was hurt by the shutdown more than most states, which may have served to amplify the crisis' negative effect on Cantor's popularity, just as it probably contributed to Cuccinelli's failed gubernatorial run<sup>203</sup>. To make matters worse for Cantor, Virginia was embroiled in a statewide shutdown crisis of its own over the implementation of Obamacare at the time of his primary contest with Brat, which must have reminded many Virginians of Cantor's role in the national shutdown only a few months earlier<sup>204</sup>.

Dave Brat used all this to his advantage and pointed to Cantor's role in the shutdown in ads, op-eds and speeches claiming that Cantor "voted to fully fund Obamacare" in the final vote that ended the crisis<sup>205</sup>. The shutdown was also identified as having been damaging to Cantor by many of his allies<sup>206</sup>. While John Murray was likely right in attributing Cantor's defeat to several different reasons, the 2013 government shutdown seems to have been one of them. This is significant given that no Majority Leader – a position created in 1899 – had ever been ousted in a primary election before<sup>207</sup>.

Cantor's downfall also seems to have worked to unravel Boehner's carefully laid plans for retirement. According to several of his close allies, Boehner had begun giving very serious thought

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202 Newsweek 11.6.2014, Shock Defeat For Cantor Leaves Republicans With A Problem;  
The New York Times 10.6.2014, Eric Cantor Defeated by David Brat, Tea Party Challenger, in G.O.P. Primary Upset.

203 CNN 15.10.2013, Poll: Shutdown affecting race for Virginia governor.

204 The Washington Post 13.6.2014, After hours of strife, lawmakers pass budget without Medicaid expansion.

205 Brat in Richmond Times-Dispatch 6.6.2014, Brat: A challenger for the 7th District.

206 Time 10.6.2014, How Eric Cantor Lost;

CNN 11.6.2014, 7 reasons Eric Cantor lost.

207 Smart Politics, 10.6.2014, Eric Cantor 1st House Majority Leader to Lose Renomination Bid in History.

in the weeks following the shutdown to leaving the Congress and passing along the Speakership to Cantor. About to turn 64 years old and with just shy of seven million dollars in personal assets, retirement might have looked quite enticing for Boehner. No matter how serious these thoughts had been, Cantor's defeat changed the calculus. The next man in line, Cantor's replacement Kevin McCarthy from California was deemed by most to be too inexperienced to take over the top job immediately, and so Boehner had to stay.<sup>208</sup>

In the end, Boehner sacrificed himself in September of 2015 to stop another government shutdown. The point of contention in late 2015 was the classic shutdown theme, abortion rights, with conservative Republicans wanting to defund Planned Parenthood. Boehner's announcement of his resignation by October averted the crisis as it made any threats to his leadership from his own caucus effectively empty.<sup>209</sup> The heir apparent Kevin McCarthy, however, was unexpectedly thwarted in his leadership ambitions after Boehner's announcement due to opposition from the same conservatives that had often hounded Boehner, as well as persistent but unproven rumors about an extra-marital affair with Representative Renee Ellmers<sup>210</sup>. After a period of intra-party turmoil, the Speaker's gavel passed to the reluctant Paul Ryan<sup>211</sup>.

Boehner has been mostly but not completely quiet in his retirement. One subject in particular has made him vocal, and this arguably harkens back to the 2013 government shutdown: Ted Cruz. Using the amplified national interest in Cruz provided by the 2016 Republican presidential primaries, Boehner famously called Cruz "Lucifer in the flesh", and said that "I get along with almost everyone, but I have never worked with a more miserable son of a bitch in my life".<sup>212</sup> As much as Cruz might have grated Boehner, during the shutdown and otherwise, the shutdown seems to have permanently catapulted Cruz into the ranks of nationally relevant Republican politicians. Whether the shutdown was otherwise beneficial to him and the other leading defunders should now be looked at.

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208 Politico Magazine Jan/Feb 2015, The Prisoner of Capitol Hill.

209 The New York Times 25.9.2015, John Boehner, House Speaker, Will Resign From Congress.

210 The Wall Street Journal 8.10.2015, Why Kevin McCarthy Came to Quit Speaker Race;

Politico 18.10.2015, McCarthy rumors follow Ellmers to North Carolina.

211 The Wall Street Journal 29.10.2015, House Elects Paul Ryan as New Speaker.

212 Salon 28.4.2016, "Lucifer in the flesh": John Boehner emerges from retirement to absolutely torch Ted Cruz.

## 4.2. The shutdown's effect on the leading defunders

*"I'm not serving in office because I desperately needed 99 new friends in the U.S. Senate."*

Senator Ted Cruz, when asked how much his colleagues "despise" him after the shutdown.<sup>213</sup>

For its most visible proponent, Senate freshman Ted Cruz, the 2013 government shutdown brought both widespread criticism and acclaim, both of which helped to solidify his newfound standing as a national political figure – despised by many to be sure, but known by most nonetheless. When the shutdown ended Cruz stuck to the highly confrontational style that had characterized his entire political career, and declared that the Washington establishment had again failed the American people, and that "had Senate Republicans united and supported House Republicans, the outcome of this would have been very, very different, and I wish that had happened."<sup>214</sup>

The attacks against Cruz and his role in the shutdown took many forms. He got criticized by the media: Bloomberg Business, for example, put Cruz in its cover dressed as the Mad Hatter next to a caption proclaiming crazy as the new normal, while in Texas Houston Chronicle ran an editorial titled "Missing Kay", in which the paper expressed regret over endorsing Cruz in his run to replace Kay Bailey Hutchison in the Senate and speculated that the shutdown would not have occurred without Cruz<sup>215</sup>. Moderate Republicans also continued to speak out against Cruz: Peter King of New York, for example, said that Republicans have to start going after Cruz who had brought the country "to the edge of ruin"<sup>216</sup>, while John McCain called Cruz "crazy" and said he was angry at him for hurting Arizonians by pursuing a plan with "no chance of success"<sup>217</sup>.

For his own part, Cruz maintained that success had been possible, but that the quest for defunding Obamacare was hampered by the refusal of the party elites in the Senate especially to oppose the Democrats and to make their case to the public. Cruz outlined the plan he claims could have worked in several speeches in the shutdown's aftermath<sup>218</sup>. He also described it in detail in his 2015 book "A Time for Truth". The two first parts of his four-point plan, mobilizing voters to support the defunding effort and getting the House of Representatives to pass legislation defunding Obamacare, succeeded according to Cruz. The third part of the plan, getting Senate Republicans to support their

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213 ABC News 18.10.2013, Ted Cruz Not Looking for '99 New Friends' in the Senate.

214 NYT 17.10.2013, Hands Empty but Spirit Unbowed, House Republicans Take Stock.

215 Houston Chronicle 16.10.2013, Missing Kay;

NYT 19.10.2013, 'Texas Is Not America', and Backs Its Senator in Defeat.

216 NYT 18.10.2013, Texans Stick With Cruz Despite Defeat in Washington.

217 The Aspen Institute video of John McCain's interview in the Atlantic's Washington Ideas Forum 2013, 14.11.2013.

218 For example: NYT 20.10.2013, Conflicting Signals From Senate G.O.P. on Another Shutdown.

House colleagues, was where he thinks the plan failed due to active opposition of Mitch McConnell and the broader Republican leadership, which then made impossible the final part of pressuring red-state Democrats into joining the Republicans in defunding Obamacare. Cruz maintains that an aggressive and coordinated campaign of public outreach pointing out the willingness of Republicans to open specific parts of the government – a strategy Cruz claims he invented with Mike Lee – would have ultimately turned Americans against Obama and Harry Reid and would have brought them victory. Cruz also writes that he commissioned internal polling that indicated that underlining this Republican strategy of opening the government in a piecemeal fashion had much potential as a message.<sup>219</sup>

According to Cruz, the Republican establishment also reached out to the party's donor base and made the case that Cruz and his allies, especially Mike Lee, should be deprived of further funding. Speaking in March of 2015, Cruz said that "in 2013 we got quite a lot of money from D.C. PACs, and when the defund fight happened, that dropped to almost zero."<sup>220</sup> Cruz also alluded to this punitive reaction in "A Time for Truth", saying that his Political Action Committee fund-raiser actually quit in the aftermath of the shutdown due to pressure from people connected to the party elite<sup>221</sup>.

Hampering the fundraising efforts of unruly politicians can be an effective weapon for the elites of any party, but it becomes less effective once the intended target reaches a certain level of national visibility. Thus, for Cruz, the effects of such tactics were likely offset by the fundraising gains from the very confrontation he claims got him punished by the party elites. Cruz's political action committee received 800,000 Dollars in donations during the three month period preceding the shutdown but covering his filibuster. According to Cruz's State Director John Drogin, the period's total fundraising haul for all of the different accounts supporting Cruz was 1.19 million Dollars from 12,000 different donors. Mike Lee's PAC, on the other hand, received only 525 Dollars in the same period despite the fact that he too played a central supporting role in the filibuster<sup>222 223</sup>.

Cruz also received much in the way of positive feedback for his central role in the shutdown. The accolades began already during the shutdown, when on October 12 he won the annual presidential

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219 Cruz 2015, loc 4082–4129,4162–4173,4190–4201.

220 The Washington Post 28.3.2015, Cruz claims GOP leadership blocked his fundraising after shutdown.

221 Cruz 2015, loc 209–214.

222 Cruz 2015, loc 3949–3954.

223 The Atlantic, 15.10.2013, The Ted Cruz Filibuster Paid Off – for Ted Cruz!

straw poll at the Values Voter Summit<sup>224</sup>. After the government reopened, Cruz went on a speaking tour in Texas and in Iowa, which is traditionally hosts the first presidential caucus of the primary season. Texans mostly greeted him very enthusiastically and many observers noted that several other Texas politicians had begun modeling their behavior after Cruz's *modus operandi*. His reception in Iowa was also warm, even if he was not met with quite the same fervor as in his home state. The Iowa trip, where he participated in a joint fundraising event hosted by Representative Steve King, sparked immediate speculations about Cruz's presidential ambitions.<sup>225</sup>

Polls conducted during the last days of the shutdown saw Cruz's personal popularity skyrocket among voters who identify themselves as Tea Party supporters. His earlier July popularity of 47% shot up to 74% among these voters, while his unfavorability rating among non-Tea Party Republicans rose by 15 percentage points to 31%.<sup>226</sup> As Republican voters who identify themselves as Tea Party types can be construed as being Cruz's base voters these combined developments can be viewed as quite fortunate for him, especially when combined with the national visibility he gained from the government shutdown. For Cruz personally, then, the end result of the shutdown was arguably net positive. As much as the scathing criticism in the media and the cold shoulders from his colleagues may have hurt him politically, they also energized his supporters and enabled him to eventually prove right those prognosticators who saw in his actions plans for the White House. In March of 2015 Cruz became the first Republican to announce his candidacy in the primaries<sup>227</sup>. He eventually lost the race to Donald Trump, albeit after winning the primaries in nine different states and outperforming all the other losing candidates<sup>228</sup>.

If the shutdown's overall result for Ted Cruz was arguably favorable, then for Mike Lee the picture is more muddled. In fact, Lee courted personal PR-disaster already at the beginning of the shutdown when on October 1 he told a local Salt Lake City reporter that he would not be deferring or donating to charity his pay during the shutdown, unlike many other Republicans such as Cruz or Utah's senior Republican Senator Orrin Hatch. As news of Lee's stance started spreading, his spokesman Brian Phillips started backpedalling on October 2, calling the original KUTV report "wrong", and

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224 Politico 12.10.2013, Cruz wins Values Voter straw poll.

225 NBC News 26.10.2013, Ted Cruz in Iowa: Has he sown the seeds of a 2016 GOP presidential candidacy?;

The Washington Post 23.10.2013, Ted Cruz returns to Texas as a hero who is reshaping the state of the Republican Party;

The Washington Post 26.10.2013, In Iowa speech, Ted Cruz warns Democrats on shutdown.

226 PEW Research Center poll 16.10.2013, Tea Party's Image Turns More Negative.

227 NBC News 23.3.2015, Ted Cruz Announces Presidential Bid.

228 The New York Times election results page for the 2016 presidential primary elections.

announcing that Lee would be donating his pay to charity.<sup>229</sup> The response was rapid enough to limit the damage, especially since national media found a better targets in North Carolina Representative Renee Ellmers and Nebraska Representative Lee Terry who showed themselves less adept in responding to similar storylines and gave press several juicy quotes before deciding to forego their pay<sup>230</sup>.

Lee's reception back home in Utah was less jubilant than Cruz's in Texas. Even if Lee's goal of battling Obamacare was in itself popular, the negative outcome of the shutdown caused many prominent Utah politicians to publicly criticize Lee. Former Republican Governor and Lee's old boss Jon Huntsman, for example, said there was now "widespread discontent" among Utah Republicans over Lee's priorities, while Mitt Romney's 2012 national finance chairman Spenser Zwick called Lee a "show horse" who "just wants a spectacle".<sup>231</sup>

Polling data confirms that Lee suffered politically for his role in the shutdown. Brigham Young University Associate Professor Quin Monson found that Lee's favorability/unfavorability ratings flipped from June 2013 Utah Voter Poll results of 50/41 to 40/51 in October 2013 – meaning that the shutdown resulted in a ten percentage point drop in respondents viewing Lee in a favorable light and a corresponding ten percentage point increase in disfavoured views. A closer look at the polling reveals unsurprisingly that the shutdown hurt Lee especially among moderate Republicans and Democrats, but not among Tea Party supporters.<sup>232</sup>

Lee acknowledged the criticism he received, but remained unapologetic over his role in the shutdown. "Some say we shouldn't have fought because we couldn't win," he said on the Senate floor, "but this country wasn't built by fighting when victory was absolutely certain"<sup>233</sup>. As for the negative polling he was more dismissive, saying "The only number I worry about is how many people are being hurt by Obamacare".<sup>234</sup> Polling data gathered a year later in October 2014 by Brigham Young University Associate Professor Chris Kapowitz seems to vindicate Lee here: it took

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229 The Salt Lake Tribune 3.10.2013, Mike Lee now says he'll donate pay during shutdown.

230 ABC 11 News 4.10.2013, Congresswoman Renee Ellmers Will Give Up Paycheck – After Nov 1;  
Omaha World-Herald 4.10.2013, Lee Terry says he 'cannot handle' giving up own paycheck during shutdown;  
Omaha World-Herald 6.10.2013, Lee Terry apologizes for putting his needs above others.

231 The Washington Post 22.10.2013, In Utah, tea party favorite Sen. Lee faces GOP backlash over government shutdown;

WSJ 22.10.2013, Utah Senator Pays Price Back Home for Shutdown.

232 Brigham Young University Center for the Study of Elections and Democracy poll 9.10.2013, Senator Lee and the Shutdown.

233 Time 22.10.2013, Utah Senator Mike Lee: The Man Behind The Shutdown Curtain.

234 The Washington Post 22.10.2013, In Utah, tea party favorite Sen. Lee faces GOP backlash over government shutdown.

a year but his favorability/unfavorability ratings eventually returned close to their pre-shutdown levels. Only the negative impact among Utah Democrats seems to have been permanent<sup>235</sup>.

Out of all the leading defunders, Mark Meadows adopted the least combative stance once the shutdown got underway and also in its aftermath. He sought to downplay his own role in interviews with local media and to discredit a widely-read CNN article<sup>236</sup> that brought him national visibility on the eve of the shutdown and that named him "architect of the brink" as well as "the man behind the government shutdown"<sup>237</sup>. After the shutdown ended, Meadows claimed that he had tried to stop the shutdown from happening and that he had even worked with a White House Congressional Liaison Officer, to the dismay of his own party members, to find ways to prevent the crisis<sup>238</sup>. When Meadows asked if he would write another defunding letter in time for the next Continuing Resolution, Meadows answered in the negative and claimed that the President had promised to negotiate with the Republicans next time around<sup>239</sup>.

Meadows's reluctance to highlight his role in the shutdown in local media can probably be explained by how severely the crisis impacted his district. North Carolina's 11<sup>th</sup> Congressional District is made up over 500,000 people from mostly rural areas in the foothills of the Blue Ridge Mountains. Large parts of the district are heavily dependent on tourism, with most of the tourists arriving in the autumn to see the leaves turn to autumn colors. The shutdown induced closure of the district's national parks therefore cost Meadows's constituents approximately one million dollars for each day of the shutdown.<sup>240</sup> The careful approach chosen by Meadows seems ultimately to have worked as he was re-elected in 2014 with 62.9% of the vote<sup>241</sup>, an improvement of almost 5.5 percentage points from his original 2012 tally of 57.4%<sup>242</sup>.

None of this is to say that Meadows became any less confrontational in Congress after the shutdown. The most dramatic of many examples of his opposition to Boehner and his leadership team came in the summer of 2015, when Meadows led in June 33 other House Republicans in

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235 Brigham Young University Center for the Study of Elections and Democracy poll 10.11.2014, Senator Lee Rebounds.

236 CNN 1.10.2013, Architect of the brink: Meet the man behind the government shutdown.

237 Columbia Journalism Review 22.10.2013, Mountain 'pass'.

238 Hendersonville Times-News 18.10.2013, Meadows says he tried to avert shutdown, offset damage.

239 Slate 18.10.2013, The Author of the "Defund Obamacare" Letter Doesn't Want to Write It Again.

240 Columbia Journalism Review 22.10.2013, Mountain 'pass';

The Washington Post 19.10.2013, Rep. Mark Meadows pushed for a shutdown. What did it bring his N.C. District? Frustration.

241 Federal Election Commission 2014, 95.

242 Federal Election Commission 2012, 143.

opposition to Boehner in a "rule motion" leading to a vote on President Obama's negotiation powers for a Asian trade deal. Though a largely technical matter, the move was symbolic and rash enough to make Boehner temporarily strip Meadows's chairmanship of the Government Operations subcommittee. Meadows retaliated in July by calling for a "motion to vacate the chair", in essence initiating a vote of no confidence against Boehner in a political maneuver not attempted in Congress for a century. So even if Meadows did react to the shutdown by adopting a careful approach to explaining his actions to his constituents back home, neither the crisis or any subsequent skirmishes left him with any such compunctions towards the House leadership.<sup>243</sup>

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<sup>243</sup> Politico 20.6.2015, Chaffetz strips Meadows of subcommittee chairmanship;  
Politico 28.7.2015, House conservative seeks Boehner's ouster.

### 4.3. The shutdown's effect on the most vocal moderates

*"It didn't take a goddamned rocket scientist to see how this was going to turn out. When the rainstorm came, we were all wearing cardboard shoes."*

John McCain, on the end result of the shutdown.<sup>244</sup>

In many ways both the Republican Congressional leadership and the leading figures in the drive to defund Obamacare had clearer stakes in the shutdown crisis than the most vocal moderate Republicans in Congress. The defunders sought the confrontation and the leadership had to navigate the crisis, but nobody forced any of the moderates to speak out. The rationales for doing so likely varied from a will to distance themselves in the eyes of voters back home from the more radical defunders to a genuine concern over the continuing evolution of the Republican party and its Congressional manifestation. In any case, and perhaps through the virtue of being vindicated by events, the vocal moderates as a loose group seem to have been less affected by the shutdown's aftermath than leading defunders or Republican leaders. Nevertheless, a brief review of the subject is warranted.

The two most visible leaders of the abortive moderate mid-shutdown rebellion, Charlie Dent of Pennsylvania and Peter T. King of New York, were both vocal in the aftermath of the crisis. Once it became clear that the shutdown would end, Dent said of his role and his opponents, "People can blame me all they want, but I was correct in my analysis and I'd say a lot of those folks were not correct in theirs<sup>245</sup>." King in particular was very incensed. He said that the Republican party was "going nuts" and criticized the end result of the shutdown by saying: "After shutting down the government for two and a half weeks, laying off 800,000 people, all the damage we caused, all we would end up doing was taking away health insurance from congressional employees. That's it? That's what you go to war for? That's what we shut down the United States government for<sup>246</sup>?"

In December King channeled his anger at the defunders into a new organization, a Political Action Committee called American Leadership PAC. Reviving earlier speculation about running for President, King stated that the purpose of the PAC was to wrest control of the Republican party from the Tea Party forces and defunders, saying "I want to create a presence for those like myself who feel Rand Paul and Ted Cruz are out of touch with the American people. This is highlighted by

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244 NYT 22.12.2013, How John McCain Turned His Clichés Into Meaning.

245 NYT 17.10.2013, Shutdown Is Over.

246 The Huffington Post 15.10.2013, Peter King On GOP: 'This Party Is Going Nuts'.

the government shutdown, which was one of the worst political disasters we've ever had." On July 1, 2015, however, King stated that he would not be mounting a presidential campaign<sup>247, 248</sup>.

When deciding to speak out against the defunders in the shutdown's aftermath, neither Charlie Dent nor Peter King seem to have had much to worry about in regards to their chances of getting re-elected. For example, a poll conducted right after the shutdown by Democratic-affiliated MoveOn and PPP found Charlie Dent leading a generic Democrat by a margin of 13%<sup>249</sup>. Neither Dent nor King faced primary challengers in the lead up to the 2014 Congressional elections and Dent actually ran unopposed in the general election itself, while King received more than two times as many votes as his Democratic opponent<sup>250</sup>.

On the Senate side, the moderate dealmakers kept largely quiet in the aftermath of the shutdown. Having helped bring about a deal to end the shutdown, neither Susan Collins nor Lisa Murkowski nor Kelly Ayotte sought much national attention for their fait accompli. The same is true for Lamar Alexander who had a central role in advising Mitch McConnell in the final negotiations. Murkowski probably spoke for many moderate Republicans at the end of the crisis when she said: "I'm trying to forget it. Here we are. Here we are. We predicted it. Nobody wanted it to be this way<sup>251</sup>."

In fact, there was only one moderate Republican Senator who really took it upon himself to promote critical review of the defunding strategy: John McCain of Arizona. McCain had a unique perspective on the alleged and often-invoked mandate from the American people to oppose President Obama's healthcare law – namely that he had campaigned and lost against Obamacare, first against its nascent form as his party's presidential candidate in 2008, and then as a central Mitt Romney surrogate in 2012. McCain brought this up openly during the shutdown: "[...] after the 2012 election, where I've traveled this country with passion. The first thing, saying, the first thing we're gonna do when Mitt Romney is President of the United States, is repeal and replace Obamacare – and the American people spoke.<sup>252</sup>" After the shutdown ended, McCain made several critical remarks on the crisis, for example: "I said it couldn't succeed from the start and it didn't. It was a miserable failure and we must never do it again. And those responsible for it will be held

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247 CNN 1.7.2015, Rep. Peter King won't run for GOP presidential nomination.

248 ABC News 16.12.2013, Peter King Takes on Rand Paul, Ted Cruz With New Anti-Tea Party PAC.

249 PPP poll 18.10.2013, Pennsylvania 15th Congressional District Survey Results.

250 Federal Election Commission 2014, 87,104.

251 NYT 17.10.2013, Losing a Lot To Get Little.

252 John McCain's video of his own speech on the Senate floor, 10.10.2013.

accountable by the American people and I don't care what party they are in.<sup>253</sup>"

Projecting to the future McCain said: "there's a fight in our party and it has to be waged [...] but at the end of the day we got to come together. Someplace along the line we forgot Ronald Reagan's eleventh commandment. You know what it was? Don't speak ill of your fellow Republicans. And we've done way too much of that<sup>254</sup>."

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253 Fusion 31.10.2013, John McCain Calls Shutdown a "Miserable Failure" and Wants Accountability.

254 CNN 17.10.2013, McCain: No more shutdowns, 'I guarantee it'.

#### 4.4. The shutdown's effect on the Congressional Tea Party faction

*"[It] is a culmination of what we said we were going to do. Mark Twain once said, 'do the right thing and it will gratify some people and astonish the rest.' America's been a little astonished by us doing the right thing in the last few days here in the House."*

Tea Party aligned Representative Tim Huelskamp, on the shutdown.<sup>255</sup>

The blame game that resulted from the government shutdown also impacted the popularity of the Tea Party movement and its Congressional standard bearers. A PEW Research Center poll conducted between October 9 and 13 saw the Tea Party's favorability rating fall from June's 37% to 30% and the movement's unfavorability rating rise from 45% to 49%. Importantly, a lion's share of the change towards a more negative opinion of the movement happened among voters identifying themselves as moderate or liberal Republicans. Among these people the favorability rating of the movement plummeted from June's 46% to 27%.<sup>256</sup>

The downward slide continued in other polls conducted after the shutdown. A CNN/ORC International survey from October 18–20 found that the Tea Party movement had an unfavorability rating of 56%, the highest ever measured by CNN polling, while the favorability rating of the movement was 28%.<sup>257</sup> A Gallup poll from December 5–8 saw another set of all-time negatives for the movement, with 30% of Americans having a favorable view and 51% an unfavorable view. Among Republicans, however, the numbers were 58% favorable and 28% unfavorable.<sup>258</sup>

Despite Nancy Pelosi's accusations, the overarching media narrative following the shutdown never really had the Tea Party movement as the driving force behind the crisis. Ted Cruz, of course, received very much national attention, but more as a singularly ambitious individual politician than a representative of the Tea Party movement. Meanwhile in the House of Representatives, the fact that the Tea Party Caucus Chair Michele Bachmann had already announced in May that she would not be seeking re-election in 2014 likely meant that she made for a less juicy target for post-shutdown media incriminations<sup>259</sup>. Bachmann featured in several news pieces during the shutdown, mostly for her enthusiastic comments supporting the defunding strategy, such as saying the

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255 The Washington Post 28.9.2013, On cusp of shutdown, House conservatives excited, say they are doing the right thing.

256 PEW Research Center poll 16.10.2013, Tea Party's Image Turns More Negative.

257 CNN/ORC poll 22.10.2013, Poll 12.

258 Gallup poll 11.12.2013, Tea Party Favorability Falls to Lowest Yet.

259 Politico 29.5.2013, Bachmann's fall.

shutdown made the House Republicans "happiest" they have been "in a long time"<sup>260</sup>, but faced less media scrutiny afterwards.

Ultimately for the Tea Party movement, it can be argued that the kind of a loss in popularity that was one of the results of the 2013 government shutdown is not as damaging as it might be for other political movements. Due to the movements ideological location on the far right of the spectrum of American politics, the ideal recipients of the movements messages never were the kind of moderates who ended up viewing the movement more negatively as a result of the shutdown. In fact, opposition from moderates might actually serve to energize Tea Party activists.

As one of the authors of "The Tea Party and the Remaking of Republican Conservatism", Theda Skocpol, observed after the shutdown in June 2014, "The Tea Party isn't about popularity; it's about leverage." Energized Tea Party activists, even when small in numbers and broadly disliked, can be very successful in their efforts to influence national politics, Congressional balance of power and the direction of the Republican party's evolution due to their excellent understanding of political procedures and their unwavering commitment to their cause. Therefore the shutdown brought down the Tea Party movement's popularity without, perhaps paradoxically, really hurting the movement.<sup>261</sup>

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260 Fox News video of Sean Hannity's interview of Michele Bachmann and Tim Huelskamp, 2.10.2013.

261 The New York Times 24.6.2014, Support Is Thin for Tea Party, but It Retain Its Muscle.

## 5. Self-inflicted wounds

*"When is a win not a win? When it belongs to the GOP. These are constant self-inflicted wounds."*

Former Representative Tom Davis, on the shutdown.<sup>262</sup>

There is certain irony in the fact that the disastrous Republican strategy of defunding Obamacare and the following government shutdown were intermingled with and followed by an equally disastrous roll-out of the same law. Senator Roy Blunt of Missouri had a point when he, as part of his critique of the recently ended shutdown, said, "We managed to divide ourselves on something we were united on, over a goal that wasn't achievable. The President probably had the worst August and early September any President could have had. And we managed to change the topic<sup>263</sup>." As bad as President Obama's late summer months might have been, the implementation troubles that began on October the first were in a class of their own. As the shutdown was fundamentally interlinked with the healthcare law and its rollout, both politically and chronologically, a brief review of the rollout's problems is necessary for providing the context for a final look at what the 2013 shutdown reveals about the internal dynamics of Congressional Republicans.

Although various troubling signs regarding the technological readiness of the online insurance exchanges were visible over the summer and early autumn at several lower levels of the government machine overseeing the preparations, communication breaks and silo thinking prevented these warnings from being communicated horizontally to other departments as well as vertically to higher levels of responsible government officials. Thus, aside from the postponement by one year of the implementation of the individual mandate, or a few mild public remarks by President Obama about small and unavoidable technology hiccups that would be quickly resolved, there was within higher levels of the administration no sense or discourse, either public or private, on the rollout of the law being anything but on track for success. The last days of September were spent focused on the looming shutdown. The sense inside Obama's inner circle was that the Republican intransigence would look all the more unfounded when the exchanges would spring into action.<sup>264</sup>

The first reports on the morning of October the first were promising. The federal Obamacare website covering the exchanges of thirty-six states received more than a million visitors already

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<sup>262</sup> The Washington Post 1.10.2013, How Republicans shatched defeat from the jaws of victory.

<sup>263</sup> NYT 17.10.2013, Losing a Lot To Get Little.

<sup>264</sup> Brill 2015, loc 4668–4759. (Chapter 18)

before seven o'clock in the morning. But in a few hours it became evident that the system was not working properly, and that the identity verification part of the registration process especially was keeping people from enrolling onto Obamacare. The administration took that as a capacity problem borne from high demand and mostly focused on the shutdown in first hours of the day. News soon broke that a lady from Illinois called Kathy had become the first person to have completed the process and enrolled. This was supposed to be the first drop in a veritable torrent of registrations, but as the second day of the shutdown started on October 2, only six people had managed to enroll despite 2.8 million visits to the website. Efforts to fix the identity verification were not having immediate effect, and it became clear that most of the other parts of the process were similarly riddled with problems. The total number of enrollees climbed at a glacial pace: by the fourth day of the shutdown, for instance, only 248 people had gotten through the whole process.<sup>265</sup>

The Obamacare rollout crisis ended up lasting much longer than the government shutdown. As the government reopened on October 17, the incoming traffic to the federal Obamacare website had slowed down to a trickle due to negative stories spreading in the media – and even still only three out of every ten visitors could even access the site, let alone complete the registration.<sup>266</sup> Most of the early successes came from the states that opted into running their own healthcare exchanges. In all of October a total of 106,185 people enrolled onto Obamacare, but only 26,794 of those did so through the federal website – less than 5% of the administration target.<sup>267</sup>

The political effects of the rollout crisis were exacerbated for the Obama administration on October 29 by a breaking news story that revealed that the President's famous promise that people who liked their health insurance could keep it under Obamacare had not been true, and that the administration had known for more than three years about the millions of upcoming healthcare cancellations. The fact that Obama had not lied on purpose, but rather had not been informed of the changed details of his signature reform, did not make the political fallout any less damaging.<sup>268</sup> Obama's personal favorability ratings continued their downward trend with his approval rating falling to 41% and his disapproval rating rising to 53% in early November PEW Research Center poll. When asked specifically about his handling of healthcare policy, only 37% of the respondents of the same poll approved with 59% disapproving – a clear deterioration from January's numbers of 45% approval and 47% disapproval.<sup>269</sup>

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265 Brill 2015, loc 5243–5302, 5380–5389, 5528–5532. (Chapter 20)

266 Brill 2015, loc 5669–5674. (Chapter 20)

267 Brill 2015, loc 6006–6016. (Chapter 22)

268 Brill 2015, loc 5874–5918. (Chapter 22)

269 PEW Research Center poll 8.11.2013, Obama's Second-Term Slide Continues.

The rollout of Obamacare continued to dominate news cycles and generate negative publicity for the Obama administration well unto late December, at which point the technical rescue and bug hunting operation spearheaded by a large team of high-profile private sector experts since mid-October finally reached a technical tipping point and established normal operability to the federal Obamacare website. The White House announced the final numbers for 2013 on December 29, stating that 1.1 million people had newly enrolled through the national website – from which 975,000 people had completed the process in December. By the final deadline for enrollment, March 31 in 2014, a grand total of 7.1 million Americans had registered. The administration's own target of seven million was thus surpassed by 100,000 enrollees. But even if the end result was good for Obama and the Democrats, the process leading up to it had been an unmitigated political disaster.<sup>270</sup>

The problems related to the roll out of Obamacare are relevant in the context of the 2013 government shutdown and the internal divisions of the Republican Congressional caucus because many Republicans had foreseen the problems – in fact, an upcoming disaster had been a central speaking point for many Republicans. Therefore the following contrafactual exercise is justified: what would have happened if the Republicans had not adopted the shutdown strategy, but had instead kept the government open and let the Obamacare roll out troubles occur on their own? In this scenario, dubbed the "Bad Samaritan theory" by Ted Cruz<sup>271</sup>, the Republicans would have refrained from dominating sixteen days worth of news cycles and avoided the negative effects of the shutdown strategy, while allowing the limited amount of total media coverage, the so-called newshole, to be filled almost entirely by stories politically harmful to President Obama and the Democrats.

Cruz himself described and dismissed the Bad Samaritan theory by saying "Basically, inflict a bunch of harm on the American people and hope we benefit politically from it. What a terrible, cynical approach. I am not interested in seeing the American people suffer just because my party might benefit politically if they blame the Democrats for the foolish policies that have been imposed<sup>272</sup>." Cynical or not, the theory has merit in underlining just how damaging the shutdown was for the Republicans. On the one hand, assuming the Republicans believed their own talking points about the upcoming problems in Obamacare implementation, the theory showcases the enormous missed opportunity that was discarded in favor of the shutdown strategy. On the other

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270 Brill 2015, loc 5693–5803,6131–6160,6417–6441. (Chapters 22 and 23)

271 CNN 20.10.2013, Cruz to CNN: 'I don't work for the party bosses in Washington'.

272 CNN 20.10.2013, Cruz to CNN: 'I don't work for the party bosses in Washington'.

hand, it also highlights the fact that the slowly unfolding PR disaster that was the Obamacare roll out actually served to mask and obfuscate the severity of the political damage that the Republicans inflicted on themselves by shutting down the government. Another way of thinking about this involves another contrafactual scenario: what if the Republicans had shut down the government on the same day that the Obamacare exchanges were opened in a smooth and technically flawless way? How severe would have the political damage to Republicans been then? And how long would it have taken for their popularity to return to their pre-shutdown levels then? These questions are relevant because they reflect lines of thinking available also the Congressional Republicans when formulating the views that led to the shutdown strategy (even if they were operating without the benefit of hindsight).

So, what kinds of internal divisions or factions within the Republican party were created or made visible by and during the government shutdown of 2013? What factors can be used to explain the emergence or existence of these specific divisions? How did the shutdown influence the balance of power between these factions? Who were the winners and who were the losers? To some degree at least, all of these questions can now be answered.

The main division within the ranks of Congressional Republicans in the context of the 2013 government shutdown was that between the defunders and the moderates who opposed the defunding strategy. This division first appeared in the late summer of 2013 when Congressional Republicans divided themselves into those who signed either the Meadows or the Lee letter and to those who declined to sign. This initial division resulted in 14 Senate defunders and 80 House defunders on the one side and 32 Senate non-defunders and 152 House non-defunders on the other.

Further sub-divisions resulted from political pressure and individual calculations. Five Senators and Representative Jeff Miller of Florida gave into pressure and withdrew their signatures from the defunding letters. Moreover, 25 House Republicans came out publicly in the early days of October in favor of ending the shutdown through a "clean" CR. Further five Representatives walked back on initial support of the idea.

The final vote that ended the shutdown was in many ways the ultimate test to distinguish defunders from more moderate Republicans. In the end, 87 Representatives and 27 Senators voted yes in the final vote, while 144 Representatives and 18 Senators voted no. The majority of Republicans stuck to the course they had chosen in the summer in regards to the letters: a total of 10 Senators and 81

Representatives deviated from the signature-and-against-compromise / no-signature-and-for-compromise line. Roughly speaking, then, the Republican Congressional caucus was divided into a harder core of defunders who made up about a third of the whole caucus, and a more moderate faction representing the remaining two thirds of the caucus. Despite some wobbling, particularly in regards to the letters on the Senate side and the final vote on the House side, this mix of one third defunders, two thirds moderates remained relatively constant throughout the shutdown.

How to explain the emergence or existence of these factions then? Keeping in mind the methodological problems of explaining the actions of politicians, several factors can be said to have informed and guided the division of Congressional Republicans into the defunder and non-defunder factions, as well as the active and nationally visible core groups of both factions. Roughly speaking, those Republicans who had experienced one or more of the previous government shutdown in the United States were more likely to side with the moderates. The defunders on the other hand had on average less years in Congress under their belts. Ideological factors also played an important part in informing the adoption of stances. Tea Party affiliated politicians were much more likely to adopt a harder line on the side of the defunders, and the same can be said in general of those Republicans whose ideological leanings were far from the center. District safety also played an important role with Republicans from safer districts being more likely to support the defunding strategy. To these findings should be added Ryan Lizza's observation about the House Republican defunders mostly hailing from Southern and Midwestern states and districts with mostly white voters.

The important thing to keep in mind when assessing these factors is that they often co-exist with each other. Thus it could be said that an imaginary typical defunder hails from a district or state that elected him or her (usually him) relatively recently *and* with Tea Party support *and* based on a very conservative worldview *and* that said district or state has historically been very safe for Republicans. An imaginary non-defunder on the other hand is a non-Tea Party aligned, ideologically moderate veteran of Congress from a competitive district or state.

What of winners and losers, then? How did the shutdown affect the balance of power within the Congressional Republican caucus? Here the picture is more muddled. One way of looking at the situation is by thinking of the shutdown as a valve that let off some of the pressure that had been building up between contending factions within the party. Viewed like this, the shutdown can be said to have benefited the party leadership, which for some time afterwards benefited from increased room to maneuver, having given the hardliners their fight and the moderates their

compromise. That this calmer period did not ultimately last very long does not make it any less real.

Some individual politicians had clearer end results from the shutdown. Boehner navigated a difficult situation elegantly, and should be counted among the winners for avoiding political damage, very much unlike Eric Cantor. For all the vocal moderates, as well as Meadows and Lee from the defunder side and McConnell in the Senate leadership the end result was largely neutral: they spent some time in the national spotlight but did not see their fortunes dramatically changed. Finally, it can be argued that Ted Cruz was the big winner of the shutdown. It elevated him into truly national recognition and was one of the factors enabling him to mount a very effective presidential primary campaign in 2015 and 2016.

Cruz's success hints at a possible and consequential answer to Nancy Pelosi's Tea Party question. Insofar poll numbers are looked at, the shutdown cost the Tea Party faction, but arguably the movement was not weakened, as it relies more on political leverage than popularity. But was the 2013 shutdown a Tea Party shutdown of government? The answer seems to be no, at least, not directly. The Tea Party phenomenon was one of the necessary ingredients of the crisis, and Tea Party aligned politicians were certainly in the driver's seat. But unlike the mass protests that sparked the movement in 2009, the 2013 shutdown did not result in large scale political mobilization – the Million Vet March notwithstanding. Therefore the Tea Party's role in the 2013 shutdown leads to an important question – one that the present thesis can not answer – which is that to which extent is the original grassroots-powered, anti-establishment, conservative Tea Party phenomenon being co-opted or upstaged for their personal purposes by the most luminous Tea Party stars such as Ted Cruz or outsiders such as Donald Trump? The answer to this question has important ramifications for the future development of the Republican party and United States as a whole.

In the final analysis, the 2013 government shutdown was a telling moment for the internal dynamics of the Republican Congressional caucus. In a country as broad and populous as the United States of America, the existence of a two-party system almost automatically leads to varying amounts of intraparty strife. Competing factions have always existed within the parties, in easy or uneasy alliances, vying for power and sometimes leading to dramatic confrontations, new balances of power or even splinters and new parties. Thus the 2013 government shutdown can, from the Republican perspective, be seen as one of the culminations in a especially turbulent period of intraparty struggle that started with the Tea Party revolution of 2009. Boiled down to its very essence, the shutdown was not about Obamacare, which in fact unites Republicans in their

opposition to it. Rather the conflict was about a familiar Tea Party era point of contention: whether compromise in order to govern can trump ideological purity and standing up for one's convictions. Despite its dramatic nature, the shutdown crisis of 2013 did not resolve this issue for the Republicans of the 113<sup>th</sup> Congress. And if in following Congresses they or their successors were to find an answer, it could not possibly be permanent. The nature of American democracy makes it a question that must be answered again and again.

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## ANNEX

Senate	Vote to end shutdown	Signature in Lee letter	Tea Party Affiliation	Years in office	Partisan Voting Index 2014	DW-NOMINATE	Heritage Action Score
Lamar Alexander (TN)	YES	NO	NO	11	R + 12	0.324	46
Kelly Ayotte (NH)	YES	WITHDREW	NO	3	D + 1	0.368	48
John Barrasso (WY)	YES	NO	NO	7	R + 22	0.554	68
Roy Blunt (MO)	YES	NO	NO	17	R + 5	0.453	52
John Boozman (AR)	YES	WITHDREW	NO	13	R + 14	0.415	68
Richard Burr (NC)	YES	NO	NO	19	R + 3	0.469	57
Saxby Chambliss (GA)	YES	NO	NO	19	R + 6	0.435	52
Jeff Chiesa (NJ)	YES	YES	NO	1	D + 6	0.251	32
Dan Coats (IN)	YES	NO	NO	21	R + 5	0.370	59
Thad Cochran (MS)	YES	NO	NO	43	R + 9	0.291	51
Susan Collins (ME)	YES	NO	NO	17	D + 5	0.088	22
Bob Corker (TN)	YES	NO	NO	7	R + 12	0.378	48
Deb Fischer (NE)	YES	YES	NO	1	R + 12	0.488	65
Jeff Flake (AZ)	YES	NO	NO	13	R + 7	0.958	59
Lindsey Graham (SC)	YES	NO	NO	19	R + 8	0.422	47
Orrin Hatch (UT)	YES	NO	NO	37	R + 22	0.388	52
John Hoeven (ND)	YES	NO	NO	3	R + 10	0.339	41
Johnny Isakson (GA)	YES	NO	NO	15	R + 6	0.416	49
Mike Johanns (NE)	YES	NO	NO	5	R + 12	0.405	52
Mark Kirk (IL)	YES	WITHDREW	NO	15	D + 8	0.286	37
John McCain (AZ)	YES	NO	NO	31	R + 7	0.378	49
Mitch McConnell (KY)	YES	NO	NO	29	R + 13	0.419	67
Jerry Moran (KS)	YES	NO	YES	17	R + 12	0.431	67
Lisa Murkowski (AK)	YES	NO	NO	13	R + 12	0.192	23
Rob Portman (OH)	YES	NO	NO	17*	R + 1	0.388	55
John Thune (SD)	YES	YES	NO	15	R + 10	0.416	61
Roger Wicker (MS)	YES	WITHDREW	NO	21	R + 9	0.388	45
Tom Coburn (OK)	NO	NO	NO	15*	R + 19	0.807	85
John Cornyn (TX)	NO	WITHDREW	NO	13	R + 10	0.517	75
Mike Crapo (ID)	NO	YES	NO	21	R + 18	0.501	81
Ted Cruz (TX)	NO	YES	YES	1	R + 10	0.943	95
Mike Enzi (WY)	NO	YES	NO	1	R + 22	0.552	70
Charles Grassley (IA)	NO	YES	NO	39	D + 1	0.343	73
Dean Heller (NV)	NO	NO	NO	9	D + 2	0.473	63
Ron Johnson (WI)	NO	NO	NO	3	D + 2	0.677	81
Mike Lee (UT)	NO	YES	YES	3	R + 22	0.986	97
Rand Paul (KY)	NO	YES	YES	3	R + 13	0.974	93
Jim Risch (ID)	NO	YES	NO	5	R + 18	0.672	84
Pat Roberts (KS)	NO	YES	NO	33	R + 12	0.419	90
Marco Rubio (FL)	NO	YES	"NO "	3	R + 2	0.579	82
Tim Scott (SC)	NO	NO	"NO "	3	R + 8	0.731	86
Jeff Sessions (AL)	NO	NO	NO	17	R + 14	0.545	85
Richard Shelby (AL)	NO	NO	NO	35**	R + 14	0.428	75
Pat Toomey (PA)	NO	NO	NO	9	D + 1	0.656	67
David Vitter (LA)	NO	YES	"NO "	15	R + 12	0.505	70
James Inhofe (OK)	-	YES	NO	27	R + 19	0.556	79

House of Representatives	Vote to end shutdown / support for "Clean CR"	Signature in Meadows letter	Tea Party Affiliation	Years in office	Partisan Voting Index 2013	DW-NOMINATE	Heritage Action Score
Spencer Bachus (AL)	YES	NO	NO	21	R + 28	0.411	50
Lou Barletta (PA)	YES	NO	NO	3	R + 6	0.276	40
Dan Benishek (MI)	YES	YES	NO	3	R + 5	0.602	49
Gus Bilirakis (FL)	YES	YES	YES	7	R + 7	0.393	59
John Boehner (OH)	YES	NO	NO	23	R + 15	0.530	N/A
Charles Boustany (LA)	YES	NO	NO	9	R + 19	0.427	46
Susan Brooks (IN)	YES	NO	NO	1	R + 9	0.438	51
Vern Buchanan (FL)	YES	NO	NO	7	R + 6	0.372	46
Ken Calvert (CA)	YES	NO	NO	21	R + 10	0.371	38
Dave Camp (MI)	YES	NO	NO	23	R + 5	0.397	49
Eric Cantor (VA)	YES	NO	NO	13	R + 10	0.555	48
Shelley Moore Capito (WV)	YES	NO	NO	13	R + 11	0.268	47
Howard Coble (NC)	YES	YES	YES	29	R + 10	0.532	49
Mike Coffman (CO)	YES, CLEAN CR	NO	YES	5	D + 1	0.563	62
Tom Cole (OK)	YES, CLEAN CR	NO	NO	11	R + 19	0.371	45
Paul Cook (CA)	YES	YES	NO	1	R + 10	0.444	61
Tom Cotton (AR)	YES	NO	NO	1	R + 15	0.689	82
Kevin Cramer (ND)	YES	NO	NO	1	R + 10	0.346	38
Rick Crawford (AR)	YES	YES	NO	3	R + 14	0.341	58
Ander Crenshaw (FL)	YES	NO	YES	13	R + 19	0.358	43
Steve Daines (MT)	YES	YES	NO	1	R + 7	0.501	58
Rodney Davis (IL)	YES, CLEAN CR	YES	NO	1	EVEN	0.412	42
Charlie Dent (PA)	YES, CLEAN CR	NO	NO	9	R + 2	0.264	36
Mario Diaz-Balart (FL)	YES, CLEAN CR	NO	NO	11	R + 5	0.308	32
Mike Fitzpatrick (PA)	YES, CLEAN CR	NO	NO	5	R + 1	0.244	33
Jeff Fortenberry (NE)	YES	NO	NO	9	R + 10	0.314	50
Rodney Frelinghuysen (NJ)	YES	NO	NO	19	R + 6	0.307	42
Cory Gardner (CO)	YES	NO	NO	3	R + 11	0.527	56
Jim Gerlach (PA)	YES, CLEAN CR	NO	NO	11	R + 2	0.250	39
Chris Gibson (NY)	YES	NO	NO	3	D + 1	0.232	26
Tim Griffin (AR)	YES, CLEAN CR	YES	NO	3	R + 8	0.488	51
Michael Grimm (NY)	YES, CLEAN CR	NO	NO	3	R + 2	0.236	32
Brett Guthrie (KY)	YES	NO	NO	5	R + 16	0.391	60
Richard Hanna (NY)	YES, CLEAN CR	NO	NO	3	R + 3	0.277	40
Gregg Harper (MS)	YES	NO	NO	5	R + 14	0.422	42
Doc Hastings (WA)	YES	NO	NO	19	R + 13	0.439	49
Joe Heck (NV)	YES	NO	NO	3	EVEN	0.373	48
Jaime Herrera Beutler (WA)	YES	NO	NO	3	R + 2	0.430	42
Darrell Issa (CA)	YES, CLEAN CR	NO	NO	13	R + 4	0.541	54
Lynn Jenkins (KS)	YES	NO	YES	5	R + 8	0.563	66
David Joyce (OH)	YES	NO	NO	1	R + 4	0.316	44
Mike Kelly (PA)	YES	NO	NO	3	R + 8	0.328	50
Peter King (NY)	YES, CLEAN CR	NO	NO	21	R + 1	0.283	35
Adam Kinzinger (IL)	YES	NO	NO	3	R + 4	0.347	42
John Kline (MN)	YES	NO	NO	11	R + 2	0.532	50
Leonard Lance (NJ)	YES	NO	NO	5	R + 6	0.355	53
Tom Latham (IA)	YES	NO	NO	19	EVEN	0.328	41
Frank LoBiondo (NJ)	YES, CLEAN CR	NO	NO	19	D + 1	0.218	42
Kevin McCarthy (CA)	YES	NO	NO	7	R + 16	0.487	40
Patrick McHenry (NC)	YES	NO	NO	9	R + 11	0.624	65
Buck McKeon (CA)	YES	NO	NO	21	R + 3	0.419	40
David McKinley (WV)	YES	NO	YES	3	R + 14	0.295	52

Cathy McMorris Rodgers (WA)	YES	NO	NO	9	R + 7	0.454	49
Pat Meehan (PA)	YES, CLEAN CR	NO	NO	3	R + 2	0.244	39
Gary Miller (CA)	YES	NO	YES	15	D + 5	0.500	50
Tim Murphy (PA)	YES	NO	NO	11	R + 10	0.263	50
Devin Nunes (CA)	YES	NO	NO	11	R + 10	0.502	37
Erik Paulsen (MN)	YES, CLEAN CR	NO	NO	5	R + 2	0.451	56
Robert Pittenger (NC)	YES	NO	NO	1	R + 8	0.627	78
Dave Reichert (WA)	YES, CLEAN CR	NO	NO	9	R + 1	0.241	38
Reid Ribble (WI)	YES	NO	NO	3	R + 2	0.693	68
Scott Rigell (VA)	YES, CLEAN CR	NO	NO	3	R + 2	0.501	63
Hal Rogers (KY)	YES	NO	NO	33	R + 25	0.342	42
Mike Rogers (MI)	YES	NO	NO	13	R + 2	0.434	51
Ileana Ros-Lehtinen (FL)	YES	NO	NO	25	R + 2	0.260	31
Peter Roskam (IL)	YES	NO	NO	7	R + 4	0.474	50
Jon Runyan (NJ)	YES, CLEAN CR	NO	NO	3	R + 1	0.241	31
Aaron Schock (IL)	YES	YES	NO	5	R + 11	0.345	45
John Shimkus (IL)	YES	NO	NO	17	R + 14	0.401	40
Bill Shuster (PA)	YES	NO	NO	13	R + 14	0.412	60
Mike Simpson (ID)	YES, CLEAN CR	NO	NO	15	R + 17	0.322	43
Adrian Smith (NE)	YES	NO	YES	7	R + 23	0.539	59
Chris Smith (NJ)	YES	NO	NO	33	R + 7	0.153	43
Steve Stivers (OH)	YES	NO	NO	3	R + 6	0.350	51
Lee Terry (NE)	YES	NO	NO	15	R + 4	0.464	61
Glenn Thompson (PA)	YES	NO	NO	5	R + 8	0.334	43
Pat Tiberi (OH)	YES	NO	NO	13	R + 8	0.420	53
Scott Tipton (CO)	YES	NO	NO	3	R + 5	0.478	55
Fred Upton (MI)	YES	NO	NO	27	R + 1	0.346	46
David Valadao (CA)	YES	NO	NO	1	D + 2	0.334	32
Daniel Webster (FL)	YES	NO	NO	3	R + 6	0.481	56
Ed Whitfield (KY)	YES	NO	NO	19	R + 18	0.318	43
Rob Wittman (VA)	YES, CLEAN CR	NO	NO	7	R + 6	0.415	62
Frank Wolf (VA)	YES, CLEAN CR	NO	NO	33	R + 2	0.287	40
Steve Womack (AR)	YES	NO	NO	3	R + 19	0.340	52
Don Young (AK)	YES, CLEAN CR	NO	NO	41	R + 12	0.280	35
Todd Young (IN)	YES	NO	NO	3	R + 9	0.544	52
Robert Aderholt (AL)	NO	NO	YES	17	R + 28	0.376	56
Justin Amash (MI)	NO	YES	YES	3	R + 4	0.898	88
Mark Amodei (NV)	NO	NO	NO	3	R + 5	0.457	45
Michele Bachmann (MN)	NO	YES	YES	7	R + 10	0.618	81
Andy Barr (KY)	NO	YES	NO	1	R + 9	0.488	59
Joe Barton (TX)	NO	YES	YES	29	R + 11	0.545	70
Kerry Bentivolio (MI)	NO	YES	NO	1	R + 4	0.810	83
Rob Bishop (UT)	NO	YES	YES	11	R + 27	0.563	70
Marsha Blackburn (TN)	NO	NO	NO	11	R + 18	0.642	73
Diane Black (TN)	NO	YES	YES	3	R + 21	0.601	60
Kevin Brady (TX)	NO	NO	NO	17	R + 29	0.542	64
Jim Bridenstine (OK)	NO	YES	YES	1	R + 18	0.832	91
Mo Brooks (AL)	NO	NO	NO	3	R + 17	0.610	75
Paul Broun (GA)	NO	YES	YES	7	R + 14	0.983	92
Larry Bucshon (IN)	NO	NO	NO	3	R + 8	0.442	58
Michael Burgess (TX)	NO	NO	YES	11	R + 20	0.581	81
John Campbell (CA)	NO	NO	NO	9	R + 7	0.784	56
John Carter (TX)	NO	NO	YES	11	R + 12	0.501	55
Bill Cassidy (LA)	NO	YES	YES	5	R + 21	0.477	58
Steve Chabot (OH)	NO	YES	NO	17	R + 6	0.611	84
Jason Chaffetz (UT)	NO	NO	NO	5	R + 28	0.719	69

Doug Collins (GA)	NO	YES	NO	1	R + 30	0.696	81
Chris Collins (NY)	NO	NO	NO	1	R + 8	0.397	44
Mike Conaway (TX)	NO	YES	NO	9	R + 31	0.624	67
John Culberson (TX)	NO	NO	YES	13	R + 13	0.529	66
Jeff Denham (CA)	NO	NO	NO	3	R + 1	0.413	36
Ron DeSantis (FL)	NO	YES	YES	1	R + 9	0.739	89
Scott DesJarlais (TN)	NO	NO	NO	3	R + 18	0.569	82
Sean Duffy (WI)	NO	NO	NO	3	R + 2	0.549	57
Jeff Duncan (SC)	NO	YES	YES	3	R + 18	0.847	92
John Duncan (TN)	NO	YES	YES	27	R + 20	0.631	83
Renee Ellmers (NC)	NO	NO	NO	3	R + 10	0.451	51
Blake Farenthold (TX)	NO	YES	YES	3	R + 13	0.551	64
Stephen Fincher (TN)	NO	NO	YES	3	R + 19	0.570	66
Chuck Fleischmann (TN)	NO	YES	NO	3	R + 16	0.515	68
John Fleming (LA)	NO	YES	YES	5	R + 13	0.596	76
Bill Flores (TX)	NO	YES	NO	3	R + 13	0.624	71
Randy Forbes (VA)	NO	NO	NO	13	R + 4	0.426	52
VA Foxx (NC)	NO	NO	NO	10	R + 11	0.695	73
Trent Franks (AZ)	NO	YES	YES	11	R + 15	0.787	96
Scott Garrett (NJ)	NO	NO	YES	11	R + 4	0.730	86
Bob Gibbs (OH)	NO	NO	NO	3	R + 6	0.458	54
Phil Gingrey (GA)	NO	YES	YES	11	R + 19	0.596	82
Louie Gohmert (TX)	NO	YES	YES	9	R + 24	0.601	91
Bob Goodlatte (VA)	NO	NO	NO	21	R + 12	0.508	70
Paul Gosar (AZ)	NO	YES	YES	3	R + 20	0.588	77
Trey Gowdy (SC)	NO	NO	YES	3	R + 15	0.742	87
Kay Granger (TX)	NO	NO	NO	17	R + 19	0.419	52
Tom Graves (GA)	NO	YES	NO	5	R + 26	0.871	80
Sam Graves (MO)	NO	YES	NO	13	R + 12	0.471	60
Morgan Griffith (VA)	NO	NO	NO	3	R + 15	0.558	54
Ralph Hall (TX)	NO	YES	NO	33	R + 25	0.457	64
Andy Harris (MD)	NO	NO	YES	3	R + 14	0.606	77
Vicky Hartzler (MO)	NO	NO	YES	3	R + 13	0.526	60
Jeb Hensarling (TX)	NO	NO	NO	11	R + 17	0.754	85
George Holding (NC)	NO	YES	NO	1	R + 8	0.717	79
Richard Hudson (NC)	NO	YES	NO	1	R + 11	0.730	72
Tim Huelskamp (KS)	NO	YES	YES	3	R + 23	0.811	92
Bill Huizenga (MI)	NO	YES	NO	3	R + 7	0.707	67
Randy Hultgren (IL)	NO	YES	NO	3	R + 5	0.537	71
Duncan Hunter (CA)	NO	NO	NO	5	R + 14	0.543	67
Robert Hurt (VA)	NO	NO	NO	3	R + 5	0.610	68
Bill Johnson (OH)	NO	NO	NO	3	R + 8	0.506	53
Sam Johnson (TX)	NO	NO	NO	23	R + 17	0.630	76
Walter Jones (NC)	NO, CLEAN CR	YES	YES	19	R + 11	0.211	71
Jim Jordan (OH)	NO	YES	YES	7	R + 9	0.719	90
Steve King (IA)	NO	YES	YES	11	R + 5	0.661	72
Jack Kingston (GA)	NO	YES	NO	21	R + 9	0.567	81
Raul Labrador (ID)	NO	YES	YES	3	R + 18	0.866	82
Doug LaMalfa (CA)	NO	YES	NO	1	R + 10	0.600	67
Doug Lamborn (CO)	NO	YES	YES	7	R + 13	0.729	84
James Lankford (OK)	NO	NO	NO	3	R + 12	0.580	80
Bob Latta (OH)	NO	NO	NO	7	R + 7	0.541	64
Billy Long (MO)	NO	NO	NO	3	R + 19	0.628	70
Frank Lucas (OK)	NO	NO	NO	21	R + 26	0.380	49
Blaine Luetkemeyer (MO)	NO	NO	YES	5	R + 13	0.487	53
Cynthia Lummis (WY)	NO	YES	YES	5	R + 2	0.703	72

Kenny Marchant (TX)	NO	YES	YES	9	R + 13	0.622	87
Tom Marino (PA)	NO	YES	NO	3	R + 12	0.378	51
Thomas Massie (KY)	NO	YES	YES	3	R + 16	0.980	76
Michael McCaul (TX)	NO	NO	NO	9	R + 11	0.466	64
Tom McClintock (CA)	NO	YES	YES	5	R + 10	0.807	90
Mark Meadows (NC)	NO	YES	YES	1	R + 13	0.662	85
Luke Messer (IN)	NO	YES	NO	1	R + 12	0.593	68
John Mica (FL)	NO	NO	NO	21	R + 4	0.476	72
Jeff Miller (FL)	NO	WITHDREW	NO	13	R + 21	0.665	72
Candice Miller (MI)	NO	NO	NO	11	R + 6	0.352	64
Markwayne Mullin (OK)	NO	NO	NO	1	R + 20	0.528	59
Mick Mulvaney (SC)	NO	YES	YES	3	R + 9	0.870	86
Randy Neugebauer (TX)	NO	YES	YES	11	R + 26	0.656	83
Kristi Noem (SD)	NO	NO	NO	3	R + 10	0.382	51
Rich Nugent (FL)	NO	NO	YES	3	R + 11	0.535	67
Alan Nunnelee (MS)	NO	NO	NO	3	R + 16	0.503	61
Pete Olson (TX)	NO	NO	NO	5	R + 15	0.560	78
Steven Palazzo (MS)	NO	YES	YES	3	R + 21	0.514	65
Steve Pearce (NM)	NO	YES	YES	9	R + 5	0.493	60
Scott Perry (PA)	NO	YES	NO	1	R + 9	0.645	78
Tom Petri (WI)	NO	NO	NO	35	R + 5	0.383	61
Joe Pitts (PA)	NO	YES	NO	17	R + 4	0.577	67
Ted Poe (TX)	NO	YES	YES	9	R + 16	0.627	74
Mike Pompeo (KS)	NO	YES	NO	3	R + 14	0.717	87
Bill Posey (FL)	NO	YES	NO	5	R + 9	0.501	68
Tom Price (GA)	NO	NO	YES	9	R + 14	0.680	78
Trey Radel (FL)	NO	NO	NO	1	R + 12	0.725	87
Tom Reed (NY)	NO	NO	NO	5	R + 3	0.374	41
Jim Renacci (OH)	NO	NO	NO	3	R + 6	0.445	55
Tom Rice (SC)	NO	NO	NO	1	R + 7	0.664	67
Martha Roby (AL)	NO	NO	NO	3	R + 17	0.359	47
Phil Roe (TN)	NO	YES	NO	5	R + 25	0.507	59
Mike Rogers (AL)	NO	NO	NO	11	R + 16	0.346	58
Dana Rohrabacher (CA)	NO	NO	NO	25	R + 7	0.660	75
Todd Rokita (IN)	NO	YES	YES	3	R + 11	0.671	71
Tom Rooney (FL)	NO	NO	NO	5	R + 10	0.509	61
Dennis Ross (FL)	NO, CLEAN CR	NO	YES	3	R + 6	0.604	61
Keith Rothfus (PA)	NO	YES	NO	1	R + 9	0.488	66
Ed Royce (CA)	NO	NO	YES	21	R + 5	0.715	66
Paul Ryan (WI)	NO	NO	NO	15	R + 3	0.586	58
Matt Salmon (AZ)	NO	YES	YES	7	R + 17	0.720	94
Mark Sanford (SC)	NO	NO	YES	7*	R + 11	0.881	78
Steve Scalise (LA)	NO	YES	YES	7	R + 26	0.597	76
David Schweikert (AZ)	NO	YES	YES	3	R + 12	0.715	92
Austin Scott (GA)	NO	NO	NO	3	R + 15	0.623	76
Jim Sensenbrenner (WI)	NO	YES	NO	35	R + 13	0.672	78
Pete Sessions (TX)	NO	NO	YES	17	R + 10	0.620	68
Jason Smith (MO)	NO	YES	NO	1	R + 17	0.634	67
Lamar Smith (TX)	NO	NO	YES	27	R + 12	0.426	69
Steve Southerland (FL)	NO	NO	NO	3	R + 6	0.598	59
Chris Stewart (UT)	NO	NO	NO	1	R + 18	0.505	64
Steve Stockman (TX)	NO	YES	NO	35*	R + 25	0.974	90
Marlin Stutzman (IN)	NO	YES	NO	5	R + 13	0.824	83
Mac Thornberry (TX)	NO	NO	NO	19	R + 32	0.568	67
Mike Turner (OH)	NO	NO	NO	11	R + 3	0.284	44
Ann Wagner (MO)	NO	NO	NO	1	R + 8	0.481	57

Tim Walberg (MI)	NO	YES	YES	5	R + 3	0.563	63
Greg Walden (OR)	NO	NO	NO	15	R + 10	0.362	48
Jackie Walorski (IN)	NO	YES	NO	1	R + 6	0.419	56
Randy Weber (TX)	NO	YES	NO	1	R + 12	0.828	83
Brad Wenstrup (OH)	NO	YES	NO	1	R + 8	0.593	74
Lynn Westmoreland (GA)	NO	NO	YES	9	R + 19	0.713	78
Roger Williams (TX)	NO	NO	NO	1	R + 12	0.622	79
Joe Wilson (SC)	NO	YES	YES	13	R + 16	0.584	70
Rob Woodall (GA)	NO	NO	NO	3	R + 14	0.757	71
Kevin Yoder (KS)	NO	NO	NO	3	R + 6	0.624	68
Ted Yoho (FL)	NO	YES	YES	1	R + 14	0.850	72
C.W. Bill Young (FL)	-, CLEAN CR	NO	NO	43	R + 1	0.333	59

**Years in Congress counted from the end of 2013 (ie. figures are rounded up by 2.5 months).**

**\* = Member's years in Congress are non-consecutive.**

**\*\* =Member has changed parties at some point in his/her career.**

State name abbreviations: Alabama = AL, Alaska = AK, Arizona = AZ, Arkansas = AR, California = CA, Colorado = CO, Connecticut = CT, Delaware = DE, Florida = FL, Georgia = GA, Hawaii = HI, Idaho = ID, Illinois = IL, Indiana = IN, Iowa = IA, Kansas = KS, Kentucky = KY, Louisiana = LA, Maine = ME, Maryland = MD, Massachusetts = MA, Michigan = MI, Minnesota = MN, Mississippi = MS, Missouri = MO, Montana = MT, Nebraska = NE, Nevada = NV, New Hampshire = NH, New Jersey = NJ, New Mexico = NM, New York = NY, North Carolina = NC, North Dakota = ND, Ohio = OH, Oklahoma = OK, Oregon = OR, Pennsylvania = PA, Rhode Island = RI, South Carolina = SC, South Dakota = SD, Tennessee = TN, Texas = TX, Utah = UT, Vermont = VT, Virginia = VA, Washington = WA, West Virginia = WV, Wisconsin = WI, Wyoming = WY.

#### **SOURCES**

Biographical Directory of the United States Congress 1774 – present

Voteview.com Common Space DW-NOMINATE scores

Heritage Action Scorecard